

# **M3 Junction 9 Improvement**

**Scheme Number: TR010055**

## **8.5 Applicant Response to Examining Authority's First Written Questions (ExQ1)**

**APFP Regulations 5(2)(q)**

**Planning Act 2008**

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

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## Infrastructure Planning

### Planning Act 2008

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

#### M3 Junction 9 Improvement Development Consent Order 202[x]

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### **8.5 Applicant Response to the Examining Authority's First Written Questions (ExQ1)**

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## 1 Introduction

1.1.1 The purpose of this document is to set out the Applicant's response to the Examining Authority (ExA)'s first written questions. The written questions were published on the Planning Inspectorate website on 25 May 2023. The Applicant's response to the first written questions can be found in Chapter 2 of this report.

1.1.2 For defined terms and abbreviations, please refer to **Section 12** of the **Introduction to the Application (1.3, Rev 2)**.

## 2 Response to written questions

### 2.1 General and Cross-topic Questions

ExQ1	Question to:	Question:
Q1.1.1	Application Boundary The Applicant	Please explain the requirement for the extent of the application boundary with particular emphasis on the M3 north and south of Junction 9 or signpost the ExA to where this can be found.
<b>Applicant Response</b>		
<p>The extent of the application boundary within the M3 corridor has been determined based upon the need for works ancillary to the construction of the scheme. For example, there is a need for advance directional signage to be provided 1 mile prior to the junction. The application boundary also allows for ancillary works and temporary traffic management provision within the existing highway boundary during construction.</p>		
ExQ1	Question to:	Question:
Q1.1.2	Highway Extents The Applicant	Please provide a plan which details the proposed post-completion highway boundary and the areas maintainable by relevant highway authorities.
<b>Applicant Response</b>		
<p><b>Classification of Road Plans (2.8, Rev 1)</b> and <b>De-Trunking Plans (2.10, Rev 1)</b> shows the roads to be de-trunked and form part of the local highway network. The Applicant continues to liaise with Hampshire County Council on the detailed areas of handover and maintenance. Once concluded a plan which details the proposed post-completion highway boundary and the areas maintainable by relevant highway authorities will be prepared.</p>		
ExQ1	Question to:	Question:

<p>Q1.1.X missing number</p>	<p>Monitoring – General The Applicant</p>	<p>The ExA is concerned that mitigation and enhancements which require ongoing monitoring and maintenance are not sufficiently detailed in the application and therefore not secured in the Development Consent Order (DCO). Paragraph 6.1.3 of the First Iteration Environmental Management Plan (fiEMP) [APP-156] states that specific monitoring requirements are being developed and will be included in the siEMP.</p> <p>Please give a full explanation of why specific monitoring details cannot be given at this stage, what is meant in this paragraph by “this will be done through the DCO process” and why appendix Q has no information or suggestion of what will be included in the siEMP.</p> <p>Please also explain how the outcomes of any post-construction monitoring will be rectified as necessary, both on-site and off-site, to ensure that Biodiversity Net Gain and other mitigation commitments are delivered.</p>
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**Applicant Response**

Monitoring details for mitigation are included within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. At this stage, the monitoring requirements identified are brief and include actions such as ‘*periodic site inspections*’. More specific details on monitoring and reporting will be provided during detailed design, in advance of construction, and will be provided within the second iteration Environmental Management Plan (siEMP). Some aspects of monitoring requirements are yet to be agreed in consultation with third party stakeholders, such as the specific locations of noise or air quality monitoring sites. For monitoring of dormice and badger populations, the specific monitoring details will be identified through the conditions of licencing requirements, as agreed with Natural England which is outside the Development Consent Order process. Where details of monitoring requirements are to be developed through consultation, this is recorded in the relevant entries in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. These entries identify the Development Consent Order Requirement under which they are secured, and this is what is meant by ‘*this will be done through the DCO process*’.

**Paragraphs 6.1.1** and **6.1.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** explain that inspection and recording systems required will be managed through the Quality and Safety Management Systems and the Environmental Management System of the Principal Contractor. The Environmental Management System will be developed

during detailed design (as per entry G2 of **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**) and will include methods for monitoring, recording and implementing environmental management across the Application Site. Appendix Q (Final Environmental Investigation and Monitoring Reports), which will be included as part of the second iteration Environmental Management Plan (siEMP) of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** provides no information at present as the Environmental Management System is to be prepared during detailed design, and therefore the information is not yet available.

ExQ1	Question to:	Question:
Q1.1.3	Mitigation – General The Applicant	<p>As will be set out in more detail in the individual subject areas below, the ExA is concerned with the Applicant’s overall approach to detailing mitigation in this ES. The Applicant’s approach relies heavily on statements in the ES on commitments to mitigation contained in the Register of Environmental Actions and Commitments (REAC), which is within the fiEMP [APP-156].</p> <p>The corresponding mitigation measures within the REAC are not identified in the ES. The fiEMP [APP-156] itself relies on a series of documents, such as various management plans for which no outline version has been provided, to detail such mitigation. Implementation of the mitigation is considered light in detail and heavily reliant on matters being resolved at the detailed design stage and crucially, after consent would have been granted. The ExA is concerned that the approach fails to provide adequate details of how the Applicant intends to mitigate the effects of the Proposed Development, and the ExA cannot be certain at this stage that mitigation measures or practices would be adequate.</p> <p>The Applicant is required to take note of the ExA’s initial view and either provide a statement response here, and/ or respond to the individual concerns in questions below and submit the additional documents required.</p>

**Applicant Response**

The Applicant notes the ExA’s initial view regarding the overall approach to detailing mitigation in the **Environmental Statement ES (6.1, APP-042 – APP-153)**. The **Environmental Statement (ES) (6.1-6.3, APP-042 – APP-153)** has assessed the effects

of the Scheme and set out the mitigation required, based on a reasonable worst-case assessment. Development during detailed design must operate within these parameters.

Responses to the individual concerns are noted below and the additional documents required are provided in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

ExQ1	Question to:	Question:
Q1.1.4	Environmental Management Plan The Applicant	<p>The fiEMP [APP-156] details a number of responsibilities for the Environmental Manager during construction to support and influence the control measures required to implement the mitigation controls that support the required outcomes of the Environmental Statement (ES).</p> <p>Please explain what the reporting lines for this role will be and how they will be able to influence, manage and change operation and practice of the contractor and Applicant.</p>

### Applicant Response

The reporting lines for this role are as follows: The Ecological Clerk of Works reports to the Environmental Manager, and the Environmental Manager reports to the Construction Manager. The Construction Manager reports to the Contractor and the Applicant.

As set out in **Table 2.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, the Environmental Manager is the focal point of contact for all environmental issues on site and they are responsible for ensuring compliance with environmental legislation, consents, objectives, targets and other environmental commitments.

The Ecological Clerk of Works will provide support to the project team to deliver the environmental components of the works during construction. They will escalate environmental concerns on site to the Environmental Manager on a daily basis.

The Environmental Manager influences operation practices as they are responsible for auditing the Environmental Management System, investigating environmental incidents (which involves identification of corrective actions), and assisting with the delivery of environmental training of the workforce. They will liaise directly with general construction workers, site supervisors and the



Construction Manager. The Construction Manager will escalate issues raised by the Environmental Manager to the Contractor and the Applicant.		
ExQ1	Question to:	Question:
Q1.1.5	Environmental Management Plan The Applicant	The fiEMP [APP-156] has a number of appendices which will not be completed until the siEMP is completed during detailed design; these reference important ongoing management strategies for Biodiversity. Please provide a draft of these missing appendices or a detailed summary of what each of these appendices will contain.
Applicant Response		
Draft summaries ' <i>essay plans</i> ' for the missing management strategies for biodiversity are provided with the updated <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> . This includes the following:		
<ul style="list-style-type: none"> <li>▪ <b>Appendix G (Draft Invasive Species Management Plan)</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b></li> <li>▪ <b>Appendix K (Draft Reptile Mitigation Strategy)</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b></li> </ul>		
ExQ1	Question to:	Question:
Q1.1.6	The Scheme and its Surroundings Figures The Applicant	A number of plans in the Chapter 2 series of figures appear to be missing some detailed elements (drawing 'layers') and, for example, do not show the existing carriageway.  Please review these and amend as appropriate.
Applicant Response		

The Applicant has reviewed, and amendments have been made to **Sheets 1, 2, 8 and 9 in Figure 2.3 in Chapter 2 (The Scheme and its Surroundings - Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** for submission at Deadline 2.

ExQ1	Question to:	Question:
Q1.1.7	SoCG – Historic England The Applicant	In their Relevant Representation (RR) [RR-041], Historic England stated that they have finalised their comments and discussions and will not continue to be part of the examination. A Statement of Common Ground (SoCG) between the Applicant and Historic England has commenced and the ExA requested in the Rule 6 letter that this is finalised. Please confirm if finalising the SoCG is accepted between both parties or if alternative proposals are recommended.

**Applicant Response**

There are no matters outstanding on Historic England's Statement of Common Ground (SoCG) and all items are agreed. The Applicant submits the **Statement of Common Ground with Historic England (Document Reference 7.12.6)** at Deadline 2.

ExQ1	Question to:	Question:
Q1.1.8	Construction phasing The Applicant	The Outline Traffic Management Plan [APP-161] details a summary of the construction phasing. Please provide an update on the construction sequencing detailing all aspects of the works and any proposed traffic diversion routes required at each phase.

**Applicant Response**

The **Outline Traffic Management Plan (7.8, Rev 1)** refers to Phase 1A, 1B, 2, 3A and 3B.

Prior to Phase 1A there will be a period of working in the hard shoulder to facilitate the enabling works which includes vegetation clearance, the installation of CCTV cameras, speed cameras and the National Road Telecommunications Service (NRTS) bypass cable.

Phase 1A – Phase 1A involves working in the central reserve (M3 traffic in Narrow Lanes to the verge) to construct cross-overs for Phase 2 and to undertake drainage works. The Earthworks on the East will start in this phase (it does not require traffic management)

Diversions during this phase are (for traffic management switches):

- M3 Southbound (overnight).
- M3 Northbound (overnight).

Phase 1B – This phase involves working in the verge (M3 traffic in Narrow Lanes to the centre) to enable works on the new gyratory bridges. This phase will also enable the tie-in and diversion onto the new M3 southbound off-slip (Work Plan No.11). The Eastern Earthworks to enable the M3 S/B off-slip (Work Plan No.11) and the A34 S/B Merge (Work Plan No.3) will carry on through this phase.

Diversions during this phase are:

- M3 Southbound off slip (overnight)
- M3 Northbound off slip (overnight)

Phase 2 – This phase encompasses the construction of the M3 Underpass, (Work Plan No.13) the A33 Link Retaining Walls and the A34 Underpass (Work Plan No.14). Works continue on the new gyratory bridges. The 2No new bridges are installed in this phase (Work No.27 and 28). There are 2No full weekend closures for the bridge's installation. The slip roads are tied into the new bridges, each slip road will be shut on nights to facilitate this connection. When all the slip roads have been tied into the new alignment, the 2No existing bridges will be demolished. Again this will be carried out over 2No full weekend closures (2 additional full weekends have been noted in the TM plan for contingency). The widening of the M3 will be carried out when the bridges have been demolished. In this phase the new slip roads on the West will be constructed including M3 N/B merge (Work Plan No.8), A34 N/B diverge (Work Plan No.34) and A34 S/B tie-in (Work Plan No.3)

Diversions during this phase are:

- All gyratory slip roads (M3 Southbound off slip, M3 Southbound on slip, M3 Northbound off slip, A272 Spitfire Link)
- Full M3 closures for bridges
- M3 N/B on slip closure (24hrs)

Phase 3A – The traffic management in this phase is Narrow lanes on M3. Works will continue in the verge. The River Itchen footbridge will be installed (Work Plan No 4). The existing A34 S/B traffic will be diverted onto the newly constructed A33 link road heading South to the gyratory. This is to enable the A34 S/B Retaining Wall (Work Plan No.2d) to be constructed. The tie-ins for the A34 S/B and A34 N/B will be done on nights as they connect to the existing roads.

Diversions during this phase are:

- A34 S/B traffic is diverted onto A33 (24hrs) – refer to TM plan
- M3 N/B on slip closure (24hrs)
- A34 Northbound (overnight) (for River Itchen footbridge and tie in to new A34 Diverge)

Phase 3B – Traffic management on the M3 will remain in Narrow Lanes. The traffic in this phase will be on the new routes and the free flow links will be open. The remaining works in this phase will be technology installation, commissioning and the excavation of the drainage basins (Work Plan No.6) situated on the existing A34 N/B alignment. The Kings Worthy walking route (Work Plan No.2) will be completed in this phase and the roundabout on the new A33 will be constructed (Work Plan No.22). Resurfacing will be undertaken on the M3 in this stage.

Diversions during this phase are:

- M3 Southbound (overnight)
- M3 Northbound (overnight)

**ExQ1**

**Question to:**

**Question:**

Q1.1.9	Recycling The Applicant	<p>The application in various parts states that the principal contractor is committed to diverting 95% of waste from landfill, however there is additionally a locked-in surplus of material which will be diverted to landfill which is outside of the control of the contractor to influence. The wording of this across the documents may be misleading.</p> <p>Please review these statements within the application and revise the text to ensure there is clarity on the percentage of waste and recycling for the scheme.</p>
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### Applicant Response

A Scheme commitment has been made to divert 95% of non-hazardous waste (by weight) away from landfill disposal and move this material up the waste hierarchy for reuse, recycling and recovery. This commitment will be secured within **Appendix E (Site Waste Management Plan (SWMP))** and **Appendix F (Materials Management Plan (MMP))** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, and through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**. This requires the second iteration Environmental Management Plan (siEMP) to correspond with and provide additional detail relating to the management of waste (amongst other things) expressed in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The Principal Contractor will have overall responsibility for the management of all waste streams generated within the site. To clarify statements made in respect of waste generation and recycling, a worst-case scenario was considered and assessed as part of the Environmental Impact Assessment. This was explained in **Chapter 10 (Material Assets and Waste)** of the **Environmental Statement (ES) (6.1, Rev 1)**. The worst-case scenario stated that 65,000m<sup>3</sup> (135,200 tonnes) of the excavated material would require disposal to landfill (17% of waste arisings from excavation) with 83% being diverted through reuse, recycling or recovery. Beyond waste generated through excavation, a further 5,395 m<sup>3</sup> (18,014 tonnes) of concrete, inert and mixed construction waste is assumed to go to landfill (see **Paragraph 10.9.6** and **Table 10.16** within **Chapter 10 (Material Assets and Waste)** of the **Environmental Statement (ES) (6.1, Rev 1)**. Therefore, adopting this worst-case scenario, a total of 70,395 m<sup>3</sup> of waste, or 14.28% of the total waste arisings (492,750m<sup>3</sup>), from the Scheme is assumed to be landfilled.

The following Application documents have been updated to reflect the above:

- **Chapter 10 (Material Assets and Waste)** of the **Environmental Statement (ES) (6.1, Rev 1)**

- **Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)**
- **Appendix 14.1: Construction Greenhouse Gas Emissions Calculations of the (ES) (6.3, Rev 1)**
- **Non-Technical Summary of the ES (6.4, Rev 2)**
- **first iteration Environmental Management Plan (7.3, Rev 2)**
- **National Policy Statement for National Networks Accordance Table (7.2, Rev 2)**

ExQ1	Question to:	Question:
Q1.1.10	Various Plans The Applicant	Some plans in the application have a key reference called "PROPOSED HIGHWAY WORK OUTLINE". Please explain what this is intended to represent and why it is only shown on some of the sets of plans. The line is not clear to see on the plans, if it is intended to retain this reference, please update the plans so that this is visible.

### Applicant Response

The following plans made reference to 'Proposed Highway Work Outline', which intended to show the extent of the permanent highway works outline:

- **Work Plans (2.3, Rev 1)**
- **Rights of Way and Access Plans (2.4, Rev 1)**
- **Classification of Road Plans (2.8, Rev 1)**
- **Speed Limits Plans (2.9, Rev 1)**
- **De-Trunking Plans (2.10, Rev 1)**
- **Traffic Regulation Measures Plans (2.11, Rev 1)**
- **Drainage and Surface Water Plans (2.12, Rev 1)**
- **Revoking Existing Clearway Orders Plans (2.14, Rev 1)**

For clarity, the reference to 'Proposed Highway Work Outline' within the drawing key for all of the above mentioned plans has been removed and the plans updated accordingly.

ExQ1	Question to:	Question:
Q1.1.11	Examination Library The Applicant	<p>There are four sets of figures associated with the ES - Chapter 2 - The Scheme and its Surroundings [APP-061 to APP-064]. These figures contain a variety of different plans which relate to the wider ES in various ways.</p> <p>Please update the Examination Library to list the sets of plans which are contained in each of the four documents. Please also review if any other generic grouping of plans with non-specific document titles would benefit from an expanded listing in the Examination Library.</p>

### Applicant Response

Lists of the sets of plans contained in each of the documents are set out below.

Please note the file size limits for uploading documents to the Application Submission has resulted in the need to split PDF documents. The Applicant is willing to discuss with the Examining Authority how best they are presented within the Examination Library.

#### **Chapter 2 (The Scheme and its Surroundings – Figures (Part 1 of 4)) of the ES (6.2, APP-061):**

- **Figure 2.1** – The Scheme: Preliminary Construction Plan (13 sheets)
- **Figure 2.2** – General Arrangement Plans (10 sheets)

#### **Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1):**

- **Figure 2.3** – Environmental Masterplan (11 sheets)
- **Figure 2.4** – The Scheme: Existing and new Walking, Cycling and Horse-Riding Routes

**Chapter 2 (The Scheme and its Surroundings – Figures (Part 3 of 4)) of the ES (6.2, APP-063):**

- **Figure 2.5** – The Scheme: Temporary Traffic Diversion Routes (12 sheets)
- **Figure 2.6** – The Scheme: Temporary Diversion Routes of Walking, Cycling, and Horse-Riding Routes
- **Figure 2.7** – The Scheme: Proposed Utility Diversions (5 sheets)

**Chapter 2 (The Scheme and its Surroundings – Figures (Part 4 of 4)) of the ES (6.2, APP-064):**

- **Figure 2.8** – Scheme Long Sections (6 sheets)
- **Figure 2.9** – Finished Level Variance from Existing Level (4 sheets)
- **Figure 2.10** – The Scheme: Chainage (6 sheets)

**Chapter 7 (Landscape and Visual – Figures (Part 1 of 3)) of the ES (6.2, Rev 1)**

- **Figure 7.1** – Landscape and Visual: Landscape Designations
- **Figure 7.2** – Landscape and Visual: Topography and Features
- **Figure 7.3.1** – Landscape and Visual: Landscape Character Areas
- **Figure 7.3.2** – Landscape and Visual: Night- Time Environmental Light Zones
- **Figure 7.3.3** – Landscape and Visual: Tranquillity
- **Figure 7.4** – Landscape and Visual: View Locations
- **Figure 7.5** – Landscape and Visual: Comparative ZTV (Existing M3, A33 and A34 with Scheme)
- **Figure 7.6** – Landscape and Visual: ZTV of the Scheme (Traffic, No Traffic and Gantries)
- **Figure 7.7** – Landscape and Visual: ZTV of the Scheme (Traffic, No Traffic and Gantries) with View Locations
- **Figure 7.8** – Landscape and Visual: ZTV of the Scheme (No Traffic Percentage Visibility)
- **Figure 7.9** – Landscape and Visual: ZTV of the Scheme (Traffic Percentage Visibility)
- **Figure 7.10** – Landscape and Visual: ZTV of the Scheme (Gantries Percentage Visibility)
- **Figure 7.10.1** – Landscape and Visual: ZTV of the Scheme (Gantries Percentage Visibility) – Gantry GAD004
- **Figure 7.10.2** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS002



- **Figure 7.10.3** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS003
- **Figure 7.10.4** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS007
- **Figure 7.10.5** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS008
- **Figure 7.10.6** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS009
- **Figure 7.10.7** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS003
- **Figure 7.10.8** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS011
- **Figure 7.10.9** – Landscape and Visual: ZTV of the Scheme (Gantries Visibility) – VMS012
- **Figure 7.10.10** – Landscape and Visual: ZTV of the Scheme (Gantries Percentage Visibility) – Gantry GAD003
- **Figure 7.10.11** – Landscape and Visual: ZTV of the Scheme – VMS013
- **Figure 7.11** – Landscape and Visual: ZTV of the Scheme (with Mitigation)

**Chapter 7 (Landscape and Visual – Figures (Part 2 of 3)) of the ES (6.2, APP-068)**

- **Figure 7.12** – Landscape and Visual: Photo Sheets (Daytime Winter and Summer) (69 sheets)

**Chapter 7 (Landscape and Visual – Figures (Part 3 of 3)) of the ES (6.2, Rev 1)**

- **Figure 7.13** – Landscape and Visual: Photo Sheets (Night- Time) (17 sheets)
- **Figure 7.14** – Landscape and Visual: Visualisations (28 sheets)

**2.2 Agriculture, Geology and Soils**

ExQ1	Question to:	Question:
Q2.1.1	Introduction The Applicant	Paragraph 9.1.3 of Chapter 9 of the ES [APP-050] states that the ground condition assessment was undertaken when surplus spoil was expected to be generated but design development has led to spoil being deposited within the boundary. However paragraph 19.9.28 and Table 10.16

of Chapter 10 of the ES, Material Assets and Waste [APP-051], states that 135,000 tonnes of soil will be removed from site. Please clarify the position in this regard.

### Applicant Response

To clarify, the Applicant assumes that the ExA is referring to **Paragraph 10.9.28 of Chapter 10 (Material Assets and Waste) of the Environmental Statement (ES) (6.1, Rev 1)** rather than **Paragraph 19.9.28 of Chapter 9 (Geology and Soils) of the Environmental Statement (ES) (6.1, APP-050)**.

**Chapter 9 (Geology and Soils) of the Environmental Statement (ES) (6.1, APP-050)** states that, at the time the Ground Conditions Assessment was drafted, the Scheme was anticipated to generate surplus spoil. However, subsequent updates to the preliminary design (following statutory consultation) propose that the spoil being generated by the Scheme is instead intended for beneficial use within the Scheme.

**Chapter 9 (Geology and Soils) of the Environmental Statement (ES) (6.1, APP-050)** also states that any soils that do not meet chemical acceptability criteria for reuse on site would be treated or disposed of to a suitable licenced facility as waste, thereby acknowledging the potential for some soils to require offsite disposal but without providing information on potential quantities.

**Chapter 10 (Material Assets and Waste) of the Environmental Statement (ES) (6.1, Rev 1)** assessed a worst-case scenario. This stated that 65,000m<sup>3</sup> (135,200 tonnes) of the excavated material would require disposal to landfill (17% of waste arisings from excavation) with 83% being diverted through reuse, recycling or recovery. Beyond waste generated through excavation, a further 5,395 m<sup>3</sup> (18,014 tonnes) of concrete, inert and mixed construction waste is assumed to go to landfill (see **Paragraph 10.9.6 and Table 10.16 within Chapter 10 (Material Assets and Waste) of the Environmental Statement (ES) (6.1, Rev 1)**). Therefore, adopting this worst-case scenario, a total of 70,395 m<sup>3</sup> of waste, or 14.28% of the total waste arisings (492,750m<sup>3</sup>) from the Scheme, is assumed to be landfilled.

However, as stated within **Chapter 10 (Material Assets and Waste) of the Environmental Statement (ES) (6.1, Rev 1)**, excavated arisings that are suitable, appropriate, and required would, as a priority, be reused within the Application Boundary to construct the Scheme and this assumption is embedded into the Scheme design (the cut / fill is balanced as far as possible).

Any limited excess or unsuitable spoil generated would be removed from the site and managed appropriately with adherence to the principles of the waste hierarchy.

ExQ1	Question to:	Question:
Q2.1.2	Assumptions and limitations The Applicant	Paragraph 9.4.22 of Chapter 9 of the ES [APP-050] states that the application boundary has changed since the ground investigation works were completed and there are some areas of the current application boundary which have not been investigated by intrusive means.  Please detail, or signpost the ExA to, the areas that this is relevant to and what assessment has been made to inform the judgement that additional investigation was not required.

#### Applicant Response

The **Ground Investigation Report (7.11, APP-164)** submitted with the application includes drawings showing the exploratory borehole locations from different phases of intrusive ground investigation. The areas of the current application boundary that were not investigated by intrusive means predominantly comprise relatively small areas of undeveloped agricultural land on the east side of the M3. The assessment of these areas is in part covered by the **Appendix 9.1 (Phase 1 Ground Conditions Assessment) (Part 1 of 2)** and **Appendix 9.1 (Phase 1 Ground Conditions Assessment) (Part 2 of 2)** of the **ES (6.3, APP-133 and APP-134)**, and professional judgement regarding the likelihood of unexpected ground conditions with the potential to lead to significant effects. Professional judgement is informed by review of the surrounding exploratory holes and relative homogeneity of the anticipated strata allowing some extrapolation from the available exploratory holes.

ExQ1	Question to:	Question:
Q2.1.3	Assumptions and limitations The Applicant	It is accepted that the historic filling station on the A33 has been partly developed and there is evidence that the fuel tanks have been made safe to the satisfaction of the lead local authority. Is there sufficient evidence that the area around the tanks has been tested for potential historic pollution, and if so please explain this assessment?

#### Applicant Response

The historical filling station is outside the application boundary. The application boundary only crosses the entrance to the former filling station within the existing carriageway. Disturbance of the ground at the former filling station is not required or anticipated because the site is outside the application boundary. The ground at this location has therefore not been specifically investigated because significant effects relating to the proposed scheme would not be expected.

ExQ1	Question to:	Question:
Q2.1.4	Historic Landfill Sites The Applicant	Chapter 9 of the ES [APP-050] references some historical landfill sites by name however the names are not shown on fig 9.1 in the Geology and Soils – Figures [APP-071].  Please can names be added to fig 9.1 to allow cross referencing.

#### Applicant Response

**Figure 9.1 of Chapter 9 (Geology and Soils – Figures) of the ES (6.2, Rev 1) has been updated to include labels for the sites.**

ExQ1	Question to:	Question:
Q2.1.5	Foundation Design The Applicant	Chapter 9 of the ES [APP-050] highlights that there is a risk to the groundwater from piling operations. This chapter of the ES suggests that final foundation design is not completed therefore piles may not be used, however other parts of the application suggest piles will be used. Please provide clarification on foundation designs and the potential impact on groundwater and correct those parts of the application which potentially conflict in this regard.

#### Applicant Response

At the time of the ES being prepared it was not known whether piles would be used. Therefore each chapter considered whether the use of piles would be their “reasonable worst case” scenario and assessed accordingly.

**Section 9.7 in Chapter 9 (Geology and Soils) of the Environmental Statement (ES) (6.1, APP-050) identifies a potential impact relating to migration of contamination through new preferential pathways created by, for example, piling. The design was not sufficiently advanced at the time of assessment to provide detailed foundation solutions for the various aspects of the**

proposed scheme. Therefore, the assessment took a reasonable worst-case approach and assumed that piles will be used. The assessment concludes that significant effects in relation to controlled waters are not anticipated. This is in part based on the Tier 2 Geoenvironmental and Generic Quantitative Risk Assessment for controlled waters, provided at **Appendix D (Controlled Water Risk Assessment)** of the **Ground Investigation Report (7.11, APP-164)**, which identifies a low risk of significant existing contamination within the Application Boundary; and also in part on the design, mitigation and enhancement measures proposed, which specifically includes the provision of a Foundation Works Risk Assessment to be undertaken once foundation design solutions are known. The Foundation Works Risk Assessment will form Appendix M of the second iteration Environmental Management Plan (siEMP).

ExQ1	Question to:	Question:
Q2.1.6	Mitigation The Applicant	Paragraph 9.8.12 of Chapter 9 of the ES [APP-050] states that the siEMP will include 'standard good practice from the contractor'.  Please provide details of what these standard practices will likely include in addition to those already shown in the fiEMP [APP-156].

### Applicant Response

Guidance is provided on the Government website<sup>[1]</sup> for a variety of construction activities including oil storage and includes PPG6 Construction and demolition sites: prevent pollution. Although now withdrawn, the document provides a wide variety of good practice guidance for construction which is still applicable.

## 2.3 Air Quality

ExQ1	Question to:	Question:
Q3.1.1	Consultation The Applicant	Table 5.1 of Chapter 5 of the ES [APP-046] states that Eastleigh Borough Council were consulted and raised concerns as to the impact on Eastleigh and the AQMA and also requested

		<p>consideration of impacts on allotments near M3. The Applicant Response states that receptors at the allotments indicate no exceedance of relevant air quality thresholds.</p> <p>Please confirm that this has been discussed with EBC and they have responded to the update.</p>
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### Applicant Response

Paragraph 2.20 in the Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019) outlines how 'representative sensitive receptors' are identified and this seeks to limit the receptors to key areas where impacts (or changes) are likely to be the greatest, rather than at locations which are not judged to be at risk:

*'Representative sensitive receptors shall be chosen to ensure that those receptors with the highest pollutant concentrations (closest to the road, junctions etc.) or anticipated to experience highest level of change (next to roads within the ARN with the largest change in the traffic screening criteria) are included in the air quality assessment. DMRB LA150 paragraph 2.20'*

Furthermore paragraph 2.19 in the Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019) clarifies that receptors at gardens or playing fields (akin to allotments) are only required where there is a risk of the short term air quality thresholds being exceeded.

Following the submission of the PEIR, the Environment team at Eastleigh Borough Council were contacted (via email) to ascertain their opinion on the location of representative receptors proposed to be assessed (as detailed in the PEIR). Eastleigh Borough Council responded that they wanted to highlight the allotments as a 'receptor point for consideration'.

This request was considered in order to identify representative receptor locations for the air quality assessment and three receptors were located (R25, R26 and R27 as shown in **Figure 5.6 of Chapter 5 (Air Quality – Figures) of the ES (6.2, Rev 1)** in proximity to the allotments (and would therefore experience comparable concentrations of air pollutants). The receptors identified relate to residential receptors as opposed to transient receptors (with people being present at differing locations for a limited number of hours) within the allotments and are considered to be representative receptors in accordance with the Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019) methodology.

Whilst explicit agreement with this from Eastleigh Borough Council has not been received, the representative sensitive receptors are considered to be appropriate and proportionate and were determined in accordance with the requirements of Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019).

ExQ1	Question to:	Question:
Q3.1.2	Consultation The Applicant	<p>Table 5.1 of Chapter 5 of the ES [APP-046] states that Winchester City Council (WCC) were consulted and raised concerns as to the impact of traffic diversions during construction. The Applicant Response states that relevant additional receptors have been assessed.</p> <p>Please confirm that this has been discussed with WCC and they have responded to the update.</p>

**Applicant Response**

Paragraph 2.20 in the Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019) outlines how '*representative sensitive receptors*' are identified, and this seeks to limit the receptors to key areas where impacts (or changes) are likely to be the greatest, rather than at locations which are not judged to be at risk:

*'Representative sensitive receptors shall be chosen to ensure that those receptors with the highest pollutant concentrations (closest to the road, junctions etc.) or anticipated to experience highest level of change (next to roads within the ARN with the largest change in the traffic screening criteria) are included in the air quality assessment. DMRB LA150 paragraph 2.20)'.*

Following the submission of the PEIR, the Environment team at Winchester City Council were contacted (via phone) to ascertain their opinion on the location of receptors to be assessed. Winchester City Council indicated that there were several residential properties along Wales Street/Easton Lane that they wanted to understand the potential impacts at.

This request for additional receptors related to the assessment of operational impacts, in particular on Wales Street/Easton Lane where there are a number of residential receptors in close proximity to this road (within the Winchester Town Centre Air Quality Management Area) and increases in traffic flows as consequence of the Scheme were anticipated. Consequently

receptors (R46, R54, R55, and R56) were added to the assessment (in addition to R06 and R07) as shown in **Figure 5.6** of **Chapter 5 (Air Quality – Figures)** of the **ES (6.2, Rev 1)** in order to clarify potential impacts at those locations.

Whilst explicit agreement to this from Winchester City Council has not been received, the representative sensitive receptors are considered to be appropriate and proportionate and were determined in accordance with the requirements of Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019).

Winchester City Council also highlighted concerns relating to diversion of traffic during the construction period and this is subject to ongoing discussion as part of the preparation of the Statement of Common Ground (SoCG).

ExQ1	Question to:	Question:
Q3.1.3	Construction phase dust The Applicant	Paragraph 5.4.11 of Chapter 5 of the ES [APP-046] states that “all sensitive receptors (human and designated habitats) within distance bands 0-50m, 50-100m and 100-200m of the construction works have been identified and are presented in Figure 5.3”. However, Figure 5.3 [APP-065] only shows designated habitats and not sensitive human receptors.  Please can you clarify if the sensitive human receptors should be on Fig 5.3 and if not, why not.

**Applicant Response**

**Figure 5.3** of **Chapter 5 (Air Quality – Figures)** of the **ES (6.2, Rev 1)** should include residential receptors and they were omitted from the final figure. The figure has been updated and is submitted at Deadline 2.

ExQ1	Question to:	Question:
Q3.1.4	Construction phase dust The Applicant	The fiEMP [APP-156] details daily inspections to monitor dust from construction will be undertaken. Please detail where and how these inspections will measure dust levels and what criteria will be used for intervention.



Please also explain how these interventions are to be met through the construction contract.

### Applicant Response

The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** was undertaken in accordance with the Design Manual for Roads and Bridges (DMRB) LA 120 Environmental management plans (Highways England, 2020), which states under section 3 that *'details of any monitoring required (including in relation to likely significant adverse effects)'* should be included within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. As a result, monitoring details are included within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** within commitments AQ1 - A19 which relate primarily to measures to mitigate potential dust emissions during construction, including monitoring.

At this stage, the monitoring requirements detailed within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** are outline for example entry AQ5 which states, *'Undertake daily on-site and off-site inspections, where receptors are nearby, to monitor dust, record inspection results, and make the log available to the local authority etc. when asked. This will include regular dust soiling checks of surfaces such as street furniture, cars and windowsills within 100m of site boundary, with cleaning to be provided if necessary.'*

More specific details on monitoring and reporting procedures will be provided during detailed design, in advance of construction, and will be provided within the second iteration Environmental Management Plan (siEMP). Some aspects of monitoring requirements are yet to be agreed in consultation with third party stakeholders, such as the specific locations of air quality monitoring sites. Where details of monitoring requirements are to be developed through consultation, this is recorded in the relevant entries in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The second iteration Environmental Management Plan (siEMP) will contain the mechanism in which the interventions will be implemented during construction. The Secretary of State will approve the second iteration Environmental Management Plan (siEMP) following consultation with the relevant planning authorities.

**Paragraphs 6.1.1** and **6.1.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** explain that inspection and recording systems required will be managed through the Quality and Safety Management Systems and the Environmental Management System of the Principal Contractor. The Environmental Management System will be developed

during detailed design (as per entry G2 of **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and will include methods for monitoring, recording and implementing environmental management across the Application Site.

Systems of recording and inspections required to maintain an audit trail of the environmental obligations will be managed through the Quality and Safety Management Systems and the Environmental Management System, certified in line with the ISO 14001 standards. The Environmental Management System will include methods for monitoring, recording and implementing environmental management on site, including responding to any noted areas of non-compliance. This will ensure that a high standard of environmental control is maintained through the lifetime of the Scheme through the corrective action system managed by the Principal Contractor.

Compliance with the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and **second iteration Environmental Plan (siEMP)** are secured by **Requirement 3** in the **draft Development Consent Order (3.1, Rev 2)**. The Applicant and Principal Contractor will be required to comply with all the Requirements in the Development Consent Order.

ExQ1	Question to:	Question:
Q3.1.5	Study area The Applicant	<p>Paragraph 5.4.27 of Chapter 5 of the ES [APP-046] states that "Representative sensitive receptors have been selected.....through consultation with the Environmental Health Departments at WCC and EBC...".</p> <p>Please confirm that following consultation these parties agreed with the locations chosen and if not, why not.</p>

#### Applicant Response

Paragraph 2.20 in Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, November 2019) outlines how '*representative sensitive receptors*' are identified. This seeks to limit the receptors to key areas where impacts (or changes) are likely to be the greatest, rather than locations which are not judged to be at risk:

*'Representative sensitive receptors shall be chosen to ensure that those receptors with the highest pollutant concentrations (closest to the road, junctions etc.) or anticipated to experience highest level of change (next to roads within the ARN with the largest change in the traffic screening criteria) are included in the air quality assessment. DMRB LA150 paragraph 2.20)'.*

The selection of receptors for the air quality assessment was informed by consultation with Eastleigh Borough Council and Winchester City Council as detailed in response to Q3.1.1 and 3.1.2. Whilst explicit agreement with this from Winchester City Council or Eastleigh Borough Council has not been received, the representative sensitive receptors are considered to be appropriate and proportionate and were determined in accordance with the Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019).

ExQ1	Question to:	Question:
Q3.1.6	Likely significant effects The Applicant	<p>Paragraph 5.9.7 of Chapter 5 of the ES [APP-046] states that the likely significant effects of construction following mitigation are unlikely to be significant. However the mitigation measures that are being relied upon are quite generic, in particular, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) construction dust mitigation measures are not well defined.</p> <p>Please give a more detailed explanation of the mitigation measures and provide a dust assessment for each of the construction sequences and activities detailing what are the likely dust generation levels and how the dust reduction, suppression, screening and monitoring will take place, highlighting the impact on areas of sensitivity.</p>

### Applicant Response

The assessment of construction dust has been undertaken in accordance with the methodology defined within Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019) which required that the assessment identifies the overall level '*dust risk potential*' (large or small) dependent on the type of project and proximity to sensitive receptors (human and designated habitats). Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019) states

that there is not a requirement to define the mitigation within the assessment and that the '*dust risk potential*' is used to inform the required mitigation measures within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

The construction dust risk potential of the scheme (according to the terms of Table 2.58a of Design Manual for Roads and Bridges (DMRB) LA105 Air quality (Highways England, 2019)) is '*large*'. This potential informs the best practice mitigation measures listed within **Table 3.2 of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

There are several specific dust mitigation measures identified in the **Habitats Regulations Assessment (HRA) (7.5, APP-158)** in relation to specific activities in proximity to the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) including:

- A dust protection frame with cover would be placed across the river in the works area for the duration of the Kings Worthy Bridge strengthening during its construction. The design of any dust protection frames for pontoons would be undertaken in consultation with an appropriate ecological specialist.
- The existing concrete surface is to be ground. The grinders will have a vacuum which contains 90% of the dust produced.

The Environment Agency has agreed with the proposed dust mitigation measures during construction within the Statement of Common Ground (SoCG). Natural England has not expressed any concerns relating to construction dust impacts on the designated sites.

**Paragraph 5.8.3 of Chapter 5 (Air Quality) of the Environmental Statement (ES) (6.1, Rev 1)** sets out some measures to mitigate effects on air quality. More specific details will be provided during the detailed design stage, in advance of construction, and will be provided within the second iteration Environmental Management Plan (siEMP). The second iteration Environmental Management Plan (siEMP) will contain the mechanism in which the interventions will be implemented during construction.

ExQ1	Question to:	Question:
Q3.1.7	Likely significant effects The Applicant	Paragraph 5.9.35 of Chapter 5 of the ES [APP-046] lists the 7 receptors located in the proximity of the A34 and A33 at Kings Worthy however receptor R43 is repeated twice in the text.

		Please update this with the correct list of receptors.
<b>Applicant Response</b>		
<p>The error was typographical and did not affect the assessment. The corrected <b>Paragraph 5.9.35</b> of <b>Chapter 5 (Air Quality)</b> of the <b>Environmental Statement (ES) (6.1, Rev 1)</b> is as follows:</p> <p>At the seven receptors (R11, R12, R13, R43, R44, R45 and R46) located in proximity to these sections of the A34 and A33, imperceptible decreases in annual average NO<sub>2</sub> concentrations are predicted (decrease &lt;1% of the air quality threshold) due to reduced emissions resulting from less congestion. Overall concentrations are well below the air quality threshold of 40µg/m<sup>3</sup>.</p> <p><b>Chapter 5 (Air Quality)</b> of the <b>Environmental Statement (ES) (6.1, Rev 1)</b> has been updated to include this corrected paragraph and is submitted at Deadline 2.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q3.1.8	Likely significant effects The Applicant	<p>Paragraph 5.10 of Chapter 5 of the ES [APP-046] states that the Proposed Development has no significant effects identified and therefore no monitoring is required. LA 105 chapter 4 states that monitoring is required if mitigation is used. Although the application has stated that no essential mitigation is required, there are embedded mitigation measures relating to noise that are detailed in Chapter 4 of the ES.</p> <p>Please explain why it is considered that monitoring is not required pursuant of LA 105 Chapter 4 for embedded mitigation.</p>
<b>Applicant Response</b>		
<p>Although this question relates to noise mitigation, the Applicant provides the following response concerning air quality mitigation. The Scheme does not include embedded mitigation measures for air quality.</p> <p>Although that paragraph identifies that no monitoring would be normally required because of the level of significance identified, mitigation measures for air quality are proposed in the <b>first iteration Environmental Impact Assessment (fiEMP) (7.3, Rev</b></p>		

2) which exceed this requirement. These relate to dust control measures during construction, including requirements for monitoring of the mitigation measures.

## 2.4 Alternatives

ExQ1	Question to:	Question:
Q4.1.1	General Assessment principles The Applicant	Notwithstanding the details provided in the National Policy Statement for National Networks (NPSNN) Accordance Table [APP-155] in relation to NPSNN paragraph 4.26: <ul style="list-style-type: none"> <li>▪ Please identify all legal and policy requirements relating to the assessment of alternatives applicable to the Proposed Development and summarise the Applicant's compliance with those requirements.</li> <li>▪ Please identify any such legal or policy requirements where compliance has not yet been agreed with the relevant statutory regulator? For example, in relation to the Habitats Directive, the Water Framework Directive or flood risk.</li> </ul>
<b>Applicant Response</b>		
<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) require that an Environmental Statement (ES) should include a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) that have been studied by the developer which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of environmental effects.</p> <p><b>Chapter 3 (Assessment of Alternatives) of the Environmental Statement (ES) (6.1, APP-044)</b> provides a chronology of the options considered over the history of the Scheme to meet the key objectives outlined in <b>Section 2.3 of Chapter 2 (The Scheme and its Surroundings) of the Environmental Statement (ES) (6.1, APP-043)</b>.</p>		

Where negative effects on the integrity of a European Site have been identified, the Habitats and Species Regulations require an assessment of alternatives before any approval can be provided by the competent authority. The **Habitats Regulations Assessment (HRA) (7.5, APP-158)** undertaken for the Scheme concluded that there were no negative effects on the integrity of European Sites. Consequently no assessment of alternatives was required nor has been undertaken.

**Chapter 3 (Assessment of Alternatives) of the Environmental Statement (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.

The **Consultation Report (5.1, APP-025)** provides an account of the pre-application consultation activities undertaken by the Applicant and to explain how consultation responses have been considered in the preparation of the application for the Scheme.

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 Habitats Regulations Assessment. The **Habitats Regulations Assessment (7.5, APP-158)** comprises two parts – the Screening Report and the Statement to Inform an Appropriate Assessment.

The **Water Framework Directive Assessment (7.7, APP-160)** 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.

A **Flood Risk Assessment (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 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 (Document Reference 7.4) demonstrates that the Scheme passes these tests.

In the case of development within a National Park paragraph 5.151 bullet point 2 of the *National Policy Statement for National Networks (NPS NN)* expressly requires the consideration of alternatives for development within nationally designated areas, and states that applications should include assessment of the cost of, and scope for, developing elsewhere, or meeting the need for it in some other way. The M3 and A34 are within the South Downs National Park, and Junction 9 is within its setting, with the park to the immediate east, 380m to the west, and 750m to the north of Junction 9. The Scheme is heavily constrained and in order to address the congestion at Junction 9 and the flow of traffic between the M3 and A34 it is necessary to develop in this location. Given these significant pieces of infrastructure - the M3 motorway, M3 Junction 9, and the A34 - are already located in this context, there is no realistic alternative location for development that would address the issues identified. The consideration of alternative modal options to meet the need in some other way were considered at an earlier stage (see also response to Q4.1.2 below) but were not deemed suitable to address the issue identified within the *Solent to Midlands Route Strategy (2017)* and RIS1 and RIS2. **Paragraphs 7.3.85 – 7.6.1** of the **Case for the Scheme (7.1, Rev 1)** provides further assessment against paragraphs 5.151 – 5.153 of the *National Policy Statement for National Networks (NPS NN)*.

Finally, consideration of alternatives is also relevant in the context of demonstrating compelling case in the public interest for the compulsory acquisition of land. **Section 5** of the **Statement of Reasons (4.1, Rev 2)** explains the manner in which alternatives have been considered by the Applicant in respect of the compulsory acquisition of land.

ExQ1	Question to:	Question:
Q4.1.2	General Assessment principles The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.4.1 makes reference to NPSNN paragraph 4.27 which states that all projects should be subject to an options appraisal, which should consider viable modal alternatives and may also consider other options. The NPSNN Accordance Table [APP-155] in relation to NPSNN paragraph 4.26, confirms that the Proposed Development has been subject to a full options appraisal process.



		<p>Please explain whether any consideration has been given to viable modal alternatives and other options in this case, and if these alternatives have not been considered please explain why that represents a reasonable and proportionate approach.</p>
<p><b>Applicant Response</b></p>		
<p>Paragraph 4.27 of the <i>National Policy Statement for National Networks (NPS NN)</i> states:</p> <p><i>'All projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options (in light of the paragraphs 3.23 to 3.27 of this NPS). Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plans, option testing need not be considered by the examining authority or the decision maker. For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.'</i></p> <p><b>Section 2 of the Case for the Scheme (7.1, Rev 1)</b> outlines that the 2013 Feasibility Study undertaken by Hampshire County Council identified that 'Package 3 - direct free-flow links from the M3 to the A34 and remodelling Junction 9' would most likely be the best option to relieve congestion whilst reducing land-take at M3 Junction 9.</p> <p>In December 2014, the Department for Transport's (DfT) <i>Road Investment Strategy 2015/16 – 2019/20 (2015) (RIS1)</i> was published. RIS1 set out the list of schemes that were to be delivered by the Applicant over the period 2015 to 2020. RIS1 identified improvements to M3 J9 Winnall Interchange as one of the key investments in the Strategic Road Network (SRN) for the London and South East region.</p> <p>The identification of schemes for RIS1 was undertaken following a route-based strategies approach, following a recommendation of the November 2011 report <i>A Fresh Start for the Strategic Road Network</i>, which was accepted by Government in May 2012. A report was prepared summarising the evidence available to the Highways Agency (as then was) for the part of the Strategic Road Network (SRN) which includes the location of the scheme. That report was published in 2014;</p>		

Solent to Midlands Route Strategy Evidence Report. Section 1 of that report provides additional background on its context and purpose.

*Setting the Road Investment Strategy: now and in the future* is a June 2014 publication by the Department for Transport (DfT), which summarises the process for how RIS1 will be set. Similar documents identifying the DfT's approach to the inclusion of schemes for RIS2 were published in December 2017, including:

- *Connecting the Country – Planning for the Long Term*; and
- *Highways England's analytical methods to inform proposals for the second Road Period (2020 – 2025)*.

The Scheme was included in the *Solent to Midlands Route Strategy (2017)*, which identified the M3 Junction 9 Improvement as a major improvement project as part of this route upgrade. Within this, Junction 9 of the M3 was specifically highlighted as being a location where there is a substantial barrier to connectivity in relation to the South Downs National Park and walking, cycling and horse-riding.

The walking, cycling and horse-riding facilities around and within the Scheme are to be upgraded. This includes an improvement to the National Cycle Network (NCN) Route 23. An additional footpath, cycle path and bridleway are proposed on the eastern side of the Scheme to link Easton Lane with Long Walk. A new combined footpath and cycle path for the western side of the Scheme is proposed to link the A33 / B3047 Junction to Winnall Industrial Estate situated on Easton Lane.

Other modal alternatives were considered and appraised during National Highways Project Control Framework (PCF) Stages 0, 1, and 2 which refer to 'Strategy, shaping and prioritisation', 'Option selection', and 'Option identification' respectively. The conclusion of which was the preferred scheme of the M3 Junction 9 to be taken to detailed design in PCF Stage 3 (Preliminary design) and did not include modal alternatives. **Section 2.2** of the **Case for the Scheme (7.1, Rev 1)** titled 'options identification' provides additional context to how the options were tested from this point forward with further detail included within **Appendix 3.1 (Stage 1 Technical Appraisal Report)** of the **ES (6.3, APP-080)**.

The Applicant considers that the approach taken to assessing the viability of modal alternatives as outlined above is proportionate and reasonable, further consideration of modal alternatives as part of the preliminary design PCF Stage 3 would not be consistent with the objectives or scope identified within the *Solent to Midlands Route Strategy (2017)* and RIS1 and RIS2.

ExQ1	Question to:	Question:
Q4.1.3	The ES assessment of alternatives The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.11.11 states that Solution 2, amongst other things, would improve access for non-road users to Kings Worthy and had the potential to encourage greater active travel whilst also encouraging access to the South Downs National Park (SDNP).  Please explain and outline the aspects of Solution 2 that would achieve that potential?

### Applicant Response

Access for non-road users walking, cycling and horse-riding has always been a central design consideration for the Scheme. The Project Control Framework (PCF) Stage 2 Scheme Assessment Report (refer to **Appendix 3.2 (Scheme Assessment Report)** of the **ES (6.3, APP-081)** promoted Option 14 as the chosen option for the Preferred Route Announcement. Option 14C, developed as part of PCF Stage 3, provided a number of modifications including those that are relevant to non-road users i.e. a smaller grade-separated dumbbell roundabout arrangement incorporating a new bridge connection over the M3 and walking, cycling and horse-riding facilities, and new walking, cycling and horse-riding subways through the junction, providing a continuous grade-separated route between the South Downs National Park, Winnall and Abbots Worthy. A subsequent alteration (Alteration C2) changed the dumbbell roundabout to the configuration which is now the subject of the Development Consent Order but retained the essential walking, cycling and horse-riding elements.

With regard to the Scheme as currently proposed, the aspects of Solution 2 that would achieve that potential are outlined below.

Walking, cycling and horse-riding routes would remain the same as Option 14C for the route between the eastern and western sides of Easton Lane. However, there are two options for the route on the western side of the scheme between Kings Worthy and Easton Lane, namely: Walking, cycling and horse-riding Option 1, and walking, cycling and horse-riding Option 2. Walking, cycling and horse-riding Option 1 – follows a similar alignment to the proposed link road from the M3 J9 to the HE Maintenance

Depot and would bear west following the route between the A34 northbound and southbound carriageways. A ramp structure of approx. 200m would be required to accommodate the walking cycling and horse-riding route at this location, which would tie-in to a proposed footbridge over the River Itchen. Walking, cycling and horse-riding Option 1 would also tie-in to the existing A34 northbound offside diverge to the A33, utilising as much of the existing hardstanding as possible. Three subways would be required to construct Walking, cycling and horse-riding Option 1.

*'Walking, cycling and horse-riding Option 2 – follows a similar alignment to the proposed link road from the M3 J9 to the HE Maintenance Depot. It would continue over the A34 southbound carriageway and under the proposed A33 S2 link road at the proposed A33 roundabout. It would follow the alignment of the proposed A33 carriageway and tie-in to a proposed footbridge over the River Itchen. WCH Option 2 would also use the existing cross-section of the A33/A34 northbound carriageway to continue over the River Itchen at Irrigation Stream Bridge (6120) and tie-in to the existing footway at Kings Worthy.'*

How the aspects of Solution 2 identified above achieve that potential is summarised in the following paragraphs.

At present the villages north of Winchester, including Kings Worthy, Abbots Worthy and Headbourne Worthy are not well connected by walking and cycling provision to Winchester. A Public Right of Way provides a route through the South Downs National Park which is narrow at points and uneven, and a footway adjacent the A34 southbound carriageway is narrow with a grass verge and overgrown vegetation.

Walking, cycling and horse-riding Option 1 would provide a new direct route from Headbourne Worthy, Kings Worthy and Abbots Worthy to Winchester along the northbound A34 carriageway, that would be separated from traffic by a concrete barrier to ensure the safety of users along the footpath and cycleway. The walking, cycling and horse-riding route would include a 200m ramp structure between the A34 northbound and southbound carriageways and would become a separate walking cycling and horse-riding route away from the road at a lower level to the west of the A34, before connecting to the M3 Junction 9 via a subway.

This would be an improvement to the current provision along the A34 southbound carriageway due to part of the walking, cycling and horse-riding route being away from traffic, and the section of the walking, cycling and horse-riding route alongside the A34 northbound carriageway being separated from the traffic with a concrete barrier and being wider than the current footway along the A34 southbound carriageway. These improvements would likely make people feel safer and therefore more confident using

the walking, cycling and horse-riding route. This option, which includes a direct route, has the potential to encourage greater active travel between the settlements to the north and Winchester.

Walking, cycling and horse-riding Option 2 would include improvements to the current footway along the A34 southbound carriageway. These would include the introduction of a concrete barrier. This option would introduce a new segregated walking, cycling and horse-riding route along the A33 link road to the A33/M3 northbound merge roundabout, with a new footbridge and a 20m long subway for walkers and cyclists to travel underneath the A33 link road. The subway would join a separate walking, cycling and horse-riding route away from the A34 at a lower level and connect with the M3 Junction 9 via a new subway along the same route here as walking, cycling and horse-riding route Option 1.

This would also be an improvement to the current provision along the A34 southbound carriageway due to part of the walking, cycling and horse-riding route being away from traffic, and the section further north adjacent to the road would be wider than the current provision and separated from traffic with a concrete barrier. These improvements are likely to make people feel safer and therefore more confident using the walking, cycling and horse-riding route. This option therefore has the potential to encourage greater active travel between the settlements to the north and Winchester.

Solution 2 also takes into consideration the objectives of the *National Policy Statement for National Networks (NPS NN)* in that it caters to 'helping pedestrians and cyclists' (Paragraph 3.17) by introducing walking, cycling and horse-riding routes. In relation to operational safety of the walking, cycling and horse-riding routes, it is considered that they will keep walking, cycling and horse-riding users away from high-speed traffic and provide them with a user-friendly accessible solution.

Solution 2 addresses the severance between the villages of Kings Worthy, Abbots Worthy and Headbourne Worthy and Winchester through improvements to the walking and cycling infrastructure, therefore improving accessibility.

As a result of the Stage 3A solutions assessment process, Solution 2 was recommended to be taken forward as the preferred solution for the scheme.

ExQ1

Question to:

Question:

Q4.1.4	The ES assessment of alternatives The Applicant	<p>The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.13.3 indicates that there was optionality about where the main construction compound could be sited. A compound to the north of the site at Christmas Hill (located outside of the SDNP) was considered in earlier iterations of the scheme but this was reconsidered when all aspects of the Proposed Development were reviewed by the newly appointed contractor.</p> <p>Please explain further the reasons for this reconsideration.</p>
<b>Applicant Response</b>		
<p>Christmas Hill is considered as an unsuitable location for the main compound because:</p> <ul style="list-style-type: none"> <li>▪ It is 5.6km from the central section of the Scheme.</li> <li>▪ The distance from Christmas Hill would require all staff and delivery distribution from the main compound to and from site to be via the public highway adding to traffic journeys with the associated impact on traffic congestion and vehicle emissions.</li> <li>▪ Construction plant would have to be transported on a low loader to site introducing additional risks associated to plant movements along the A34.</li> <li>▪ The lack of access to existing utilities (potable water, sewage, telecoms) was unsatisfactory.</li> </ul>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q4.1.5	The ES assessment of alternatives The Applicant	<p>The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.13.25 explains that further work was undertaken after statutory consultation to reduce the impact of the main construction compound at Area A through examining location, size and configuration options and paragraph 3.13.26 presents the result of that exercise in Insert 3.10.</p> <p>Please explain further how the reduction in footprint has been achieved and indicate the proposed extent and location of the planting that would take place between the main site</p>

		compound area and the gyratory. How would the provision of advance planting in this location be secured by the draft DCO [APP-019]?
<b>Applicant Response</b>		
<p>The definition of advanced planting is a commitment for the planting of proposed soft landscape elements to be undertaken at an early phase of the construction programme, with the aim of increasing the establishment phase for certain planting plots where there is an identified environmental benefit and / or opportunity as a result of construction phasing.</p> <p>With regard to the main construction compound in Area A, a reduction in spatial requirements for material storage, site cabins and welfare units, and the optimisation of the compound layout, meant that the footprint of the compound, which is on agricultural land and within the South Downs National Park, was able to be reduced. The siting of the compound was also considered in relation to the surrounding landscape, with the location selected being at a lower elevation when compared to the surrounding landform.</p> <p>Further consideration was also given to siting the compound to the north of the belt of young tree planting with the aim of retaining as much of this feature as possible. Advance planting is proposed north of Easton Lane, and along the linear belt following the construction access track from the A272 Spitfire Link. <b>Figure 2.3 in Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1)</b> sets out the proposed environmental mitigation measures and soft landscape elements (planting) in this area. Adjacent to and within the footprint of the main construction compound a combination of LE2.1 Woodland (Broadleaf), and LE2.8 Native Scrub Planting is proposed. The strategy is to include planting adjacent to the highway corridor to the west and return the areas to the east to agriculture following completion of the construction activity. No advanced planting is proposed within or immediately adjacent to the main construction compound.</p> <p>A haul route is proposed to the south of the main construction compound. This would be located within the proposed belt of LE2.1 Woodland (Broadleaf), and LE2.8 Native Scrub Planting which abuts the retained vegetation and the A272 Spitfire Link. To the east of the proposed haul route a belt of advanced planting is identified within landscape element plot 009-25. A commitment to advanced planting at that location is included to partially replace features lost along the A272 Spitfire Link, aid establishment of vegetation, and support the visual screening of construction activities from South Downs National Park.</p>		

The advanced planting areas are identified on **Figure 2.3** in **Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** and are referenced in **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)**. A commitment to advanced planting is set out in Commitment LV16 of **Table 3.2** within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** which is secured in **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q4.1.6	The ES assessment of alternatives The Applicant	<p>The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] section 3.14 considers the walking, cycling and horse-riding route optioneering.</p> <p>Please explain further why engineering reasons of built cost, time and disruption factors associated with Option 2A were preferred to the reduced tree loss associated with Option 1? Does that Option choice reflect the response to any consultation responses?</p>

### Applicant Response

Although Option 1 may have resulted in less tree loss, it would have headroom restrictions caused by passing behind the M3 northern bridge abutment. For this reason mounting blocks would need to be provided on the gyratory side, which would extend the length a horse would need to be led. As the route would pass behind the bridge abutment it would also introduce additional complexity to the bridge design, from an integral solution to a simply supported bridge. This would represent a different design to the Southern Bridge and would introduce further design, construction and maintenance elements with movement joints and bearings. Depending on the bridge design that would be developed, an additional subway behind the abutment may be required rather than it being spanned by the bridge. Option 2A was selected for the following reasons:

- The existing National Cycle Network (NCN) Route 23 would be re-established with a wider route and greater headroom through the subways.
- The reinstated National Cycle Network (NCN) Route 23 would be continuous and as direct as practicable and would connect onto Easton Lane.
- The subway to the depot side provides a direct link to National Cycle Network (NCN) Route 23 and the South Downs National Park, where the route to the Homebase side would result in a longer route.



- The route from subway 3 can connect with increased options of geometry and visibility.
- The option would be less complicated to build than Option 1.
- There would be less disruption during construction.

In addition to these reasons, the choice of Option 2A reflected feedback obtained from a forum held with local walking, cycling and horse-riding groups in March 2019 (refer to **Chapter 4 (Non-Statutory Engagement)** of the **Consultation Report (5.1, APP-025)**), and from statutory consultation undertaken in July and August 2019 (refer to **Appendix G.12 (Public Consultation Summary Report)** of the **Consultation Report (5.1, APP-033)**). Concerns identified during both events included the width of the shared-use path crossing the junction, clearer separation of the path from the carriageway, signage, the integration of the proposed route with the surrounding network of cycle routes, and interfaces with the road network. Option 2A would re-establish National Cycle Network (NCN) Route 23 as a wider route and with greater headroom through subways. The route would also be located further away from the M3 mainline on the eastern side of the gyratory, as the route from the end of the southern overbridge would descend via an S-bend to pass under the gyratory near the A272 exit via a new subway then bend left to join Easton Lane.

ExQ1	Question to:	Question:
Q4.1.7	The ES assessment of alternatives The Applicant, South Downs National Park Authority	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] section 3.16 'Design changes following statutory consultation (2021)' paragraph 3.16.4 outlines that the design of the earthworks between Easton Lane and Long Walk was revisited and redesigned in consultation with the SDNP Authority in order to respond to some of the concerns.  Please explain further the nature of those concerns, the proposed changes to landform and topography that resulted and whether any further changes are considered to be necessary in this location?

### Applicant Response

During statutory consultation with South Downs National Park Authority, comments were received in relation to the reprofiling of earthworks on the flank of the downland which were perceived to result in the truncation of views to the east yet providing a

limited screening function to restrict views of the Scheme. Questions were also raised in relation to the use of excess spoil as a missed opportunity in delivering mitigation and enhancement measures.

The Applicant continued to work with the South Downs National Park Authority, through a series of workshops and open engagement, to developing proposals to address concerns raised. These included removal of proposed artificial earthworks on the high flank of the downland, and removal of the spoil deposition areas. Instead, site-gained material has been used to aid visual screening of the highway corridor through the implementation of sympathetically designed earthworks which reflect the existing landform in supporting visual screening and integrating the highway corridor into its landscape context. Design solutions for the landform proposals and the attenuation basin located adjacent to Easton Lane, and the infiltration feature and swale located alongside the proposed bridleway to the east of the M3 corridor, were explored with the South Downs National Park Authority. South Downs National Park Authority 2021 consultation response to the landform proposed at the 2021 consultation and the Applicant's response can be found in **Appendix K.1** of the **Consultation Report (5.1, APP-038)**.

Additionally, during preliminary design development the Applicant worked with the South Downs National Park Authority to develop proposals for the bridleway located between Easton Lane and Long Walk. The selected route reflects a design solution which balances promoting accessibility for all users with minimising land take and landform modifications within the South Downs National Park, whilst maximising screening of the existing M3 corridor and proposed Scheme (landform and soft landscape proposals), whilst providing a variety of visual experiences and views of the wider South Downs National Park for users.

The position of the new landforms also reflects a central location within the chalk grassland landscape which responds positively to the objectives of the South Downs National Park in promoting opportunities for the public understanding and enjoyment of the special qualities of the South Downs National Park, specifically its rich variety of wildlife and habitats. Further detail on the approach is set out in the **Design and Access Statement (7.9, APP-162)**.

ExQ1	Question to:	Question:
Q4.1.8	The ES assessment of alternatives The Applicant,	A number of RRs including that of Hampshire County Council (HCC) refer to impacts on the local highway network, including the operation of the A33/B3047 junction. The Case for the Scheme [APP154] section 2.10 relates to the 2022 meeting between the Applicant and HCC regarding this 'Cart and Horses Junction'.

	Hampshire County Council	<p>Please explain the consideration given to the option of including associated improvements to the junction in response to the additional traffic resulting from the scheme within the DCO application and why the parties agreed that it was not possible for the scheme to be amended to incorporate this within the DCO scheme.</p> <p>Please indicate whether any further discussions have been held between the Applicant and HCC on this topic and, if so, what progress has been made.</p>
<b>Applicant Response</b>		
Please refer to <b>Appendix A</b> .		

**2.5 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q5.1.1	Figures The Applicant	<p>Figure 8.3 [APP-070] details the SACs within 30km of the application boundary. It is accepted that this is to show Bat related SACs however the key does not define this clearly.</p> <p>Please consider if this is clear and if all SACs within the 30km boundary should be shown or the key definition changed.</p>
<b>Applicant Response</b>		
Whilst the title of <b>Figure 8.3</b> in <b>Chapter 8 (Biodiversity - Figures)</b> of the <b>ES (6.2, Rev 1)</b> does state that it presents information in relation to SACs designated for bats, it is acknowledged this is not clear within the legend. The figure has been updated and is submitted at Deadline 2.		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q5.1.2	Consultation The Applicant	Please advise on the current status of consultation with Natural England and the EA. Table 8.1 of Chapter 8 of the ES [APP-049] is a summary of additional consultation since the 2021 statutory consultation and this shows that the last and only consultation was in 2021. There are a number of comments in appendix K which suggest that further feedback and consultation is required with both organisations.
<b>Applicant Response</b>		
The Applicant has been engaging with both Natural England and the Environment Agency in respect of biodiversity related matters since the 2021 statutory consultation, including on matters which have been subsequently included in Statements of Common Ground (SoCG). Engagement with the Environment Agency is found in <b>Table 2.1 of Statement of Common Ground with the Environment Agency (Document Reference 7.12.4)</b> . Engagement with Natural England is found in <b>Table 2.1 of Statement of Common Ground with Natural England (Document Reference 7.12.5)</b> .		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q5.1.3	Consultation The Applicant	Table 8.1 of Chapter 8 of the ES [APP-049] shows the summary of response from Natural England which stated that badger bait marking survey information was requested. The response suggests this is not yet concluded and information will be provided in the relevant licence application. As this request was in 2021 can the Applicant confirm that these surveys have been undertaken in the intervening period and the results have not impacted on the assessment of impact?
<b>Applicant Response</b>		
Since Natural England made the request in 2021, badger bait marking surveys were undertaken in 2022. The Applicant can confirm the results of the badger bait marking surveys in 2022 support the baseline and have not altered the assessment of impacts presented in <b>Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)</b> .		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q5.1.4	Consultation The Applicant	<p>Table 8.1 of Chapter 8 of the ES [APP-049] shows the summary of response from Natural England requested that the scheme design ensured connectivity for wildlife. The response does not detail what has been done to ensure this and only references the current design.</p> <p>Can the Applicant confirm that this consultation request has been discussed with Natural England and the outcome of the design explained to ensure that this consultation comment has been satisfied or signpost the ExA to where this can be found.</p>
<b>Applicant Response</b>		
<p>The Applicant has had ongoing consultation with Natural England and other stakeholders throughout the design process. As set out in <b>Section 8.8 of Chapter 8 (Biodiversity)</b> of the <b>Environmental Statement (6.1, APP-049)</b> and presented on <b>Figure 2.3 in Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))</b> of the <b>ES (6.2, Rev 1)</b>, the Scheme has been designed to enhance connectivity through a range of measures, including:</p> <ul style="list-style-type: none"> <li>▪ The provision of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme, and creation of new habitats which would improve connectivity for a range of wildlife including bats, dormice, and terrestrial invertebrates in a north-south direction, and also provide connectivity between existing areas of chalk grassland in the wider landscape.</li> <li>▪ A creation of a number of areas of native broadleaved woodland and native scrub, both on the highway estate and within adjacent farmland. Woodland and scrub has been located to maintain and enhance connectivity for wildlife (including bats and dormice) within the Application Boundary and adjacent landscape.</li> <li>▪ A mosaic of native scrub and natural regeneration would be created along a stretch of the redundant A34 between the M3J9 gyratory and the River Itchen crossing.</li> </ul> <p>Natural England has recently reviewed the Development Consent Order (DCO) submission documents related to Biodiversity and has not questioned connectivity or raised this as a concern.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q5.1.5	Assessment Methodology The Applicant	Paragraph 8.4.6 of Chapter 8 of the ES [APP-049] states that 5 ponds could not be surveyed due to landowner permission in 2021. Has any attempt been made subsequently to get approval to survey these ponds and if not, what measures are proposed to ensure any potential great crested newts in these ponds are managed.
<b>Applicant Response</b>		
<p>As set out in <b>Appendix 8.1v (Great Crested Newt HSI and eDNA Survey report 2021)</b> of the <b>ES (6.3, APP-125)</b>, whilst access was not available to five waterbodies, surveys were undertaken at 15 waterbodies identified within 500 of the Application Boundary during 2021. The surveys at the 15 waterbodies confirmed absence of great crested newts in all instances. As set out in Appendix 8.1e, surveys in 2017 also found no evidence of great crested newts. As summarised in <b>Appendix 8.1v (Great Crested Newt HSI and eDNA Survey report 2021)</b> of the <b>ES (6.3, APP-125)</b>, surveys in 2019 (which included two of the ponds where no access was available in 2021) also found no evidence of great crested newt. <b>Appendix 8.1y (Biodiversity Desk Study Report)</b> of the <b>ES (6.3, APP-128)</b>, also shows that no records of great crested newts within 2km of the Application Boundary were identified from desk study data.</p> <p>As such it is considered that the current level of survey coverage, along with historical survey data, provides sufficient confidence of the likely absence of great crested newt within the Survey Area.</p> <p>Whilst great crested newts are considered absent from the Survey Area and do not present a constraint to the Scheme, the construction phase will be carefully managed through the second iteration Environmental Management Plan (siEMP) and the presence of an Ecological Clerk of Works on site. Commitment B25 in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> sets out the actions to be taken in the eventuality that unforeseen protected species are identified during construction. As such in the unlikely event that the status of great crested newts in the area changes, measures are secured within the <b>draft Development Consent Order (3.1, Rev 1)</b> to ensure their protection.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q5.1.6	Assessment Methodology The Applicant	<p>Paragraph 8.4.9 of Chapter 8 of the ES [APP-049] explains that due to the age of the surveys a review of the baseline data has been periodically undertaken.</p> <p>Please detail the reviews undertaken and also detail the 'recent habitat survey data' that demonstrates that there have been no substantive changes in habitats within the application boundary.</p>
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### Applicant Response

As set out in **Chapter 8 (Biodiversity)** of the **Environmental Statement (ES) (6.1, APP-049)**, baseline surveys have been underway at the site since 2017. Reviews of the currency of baseline the survey data have been undertaken at the following times:

- When National Highways appointed Stantec as design and environmental consultants in 2020
- During preparation of the 2020 Environmental Impact Assessment Scoping Report
- During preparation of the 2021 Preliminary Environmental Information Report (PEIR)
- During preparation of the 2022 Environmental Statement

From 2020 to 2022 baseline surveys have been periodically updated when considered necessary to ensure the baseline data is robust. The most recent habitat survey data is presented in **Appendix 8.1z (UK Hab Survey Report 2022)** of the **ES (6.3, APP-129)**. Whilst some changes in habitat condition were noted (due to changes in land management), the report concludes:

*'...that the Site overall is in largely similar condition to the 2020 survey with the mixture of habitats being broadly the same. Large arable farmland areas still dominated the area east of the M3 with more extensive grassland (pasture) toward the north of the Site between the A34 and M3 carriageways.'*

Prior to the survey in 2022, habitat surveys were undertaken in 2017 **Appendix 8.1h (Phase 1 Habitat Survey Report 2018)** of the **ES (6.3, APP-111)** and 2020 **Appendix 8.1m (Habitat Verification Survey and Orchid Survey 2020)** of the **ES (6.3, APP-116)**.

ExQ1	Question to:	Question:
Q5.1.7	Baseline Conditions The Applicant	<p>Paragraph 8.6.28 of Chapter 8 of the ES [APP-049] states that the baseline conditions since the biodiversity surveys were undertaken are unlikely to significantly change.</p> <p>Please explain what measures are being undertaken to ensure that this assumption is correct and how the Applicant proposes to manage this ongoing assumption through to commencement of construction?</p>
<b>Applicant Response</b>		
<p>The Applicant considers that the baseline and the subsequent assessment of potential impacts and effects presented in the <b>Environmental Statement (ES) (6.1-6.3, APP-042-APP153)</b> is considered valid. However, with construction unlikely to commence until 2025, baseline surveys have continued to be updated to ensure that data remains current and is sufficient to inform the ongoing design development, mitigation strategies, and licencing (where required).</p> <p>Since publication of the <b>Environmental Statement (ES) (6.1-6.3, APP-042-APP-153)</b> the following update surveys have been undertaken:</p> <ul style="list-style-type: none"> <li>▪ Dormice survey 2022</li> <li>▪ Bat tree surveys (ground level assessments and aerial inspections) 2022</li> <li>▪ Reptile surveys during spring 2023</li> <li>▪ Breeding bird surveys during 2023</li> </ul> <p>The results of these surveys show that there have been no substantive changes to the baseline presented in the <b>Environmental Statement (ES) (6.1-6.3, APP-042-APP-153)</b>. In addition, as set out in Commitment B3 in <b>Table 3.2</b> in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>, to ensure the ecological baseline is up-to-date and suitable to inform the detail of required mitigation measures at construction phase, the Applicant has made a commitment to continue to update</p>		



baseline ecological surveys at the appropriate time of year in accordance with *Good Practice Guidance for Habitats and Species* (CIEEM, 2021), and at least three months prior to construction. The surveys will include the following:

- Updated habitat and notable plant survey
- Updated bat roost surveys of all trees and buildings affected during construction
- Updated badger survey
- Updated dormice survey
- Updated otter survey
- Updated invasive species survey
- Updated reptile survey

The construction phase will be carefully managed through the second iteration Environmental Management Plan (siEMP) and the presence of an Ecological Clerk of Works on site. Commitment B25 in **Table 3.2** in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** sets out the actions to be taken in the eventuality that an unforeseen protected species is found on the works during construction.

As such, in the unlikely event that the baseline changes, measures are in place to identify this and to manage that change through construction.

ExQ1	Question to:	Question:
Q5.1.8	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.12 to 8.8.29 of Chapter 8 of the ES [APP-049] variously details the essential mitigation to be employed during construction, however a number of the bullet points appear to relate to embedded mitigation which is part of the scheme design and not related to construction activities.  Please review and be clear what is proposed essential mitigation during construction phase and what is mitigation as a function of the scheme design.

**Applicant Response**

**Section 8.8 in Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** sets out the mitigation measures that have been incorporated into the Scheme to avoid, mitigate or compensate for potential effects to biodiversity receptors. These are split into embedded mitigation (mitigation incorporated into the design of the Scheme), and essential mitigation (measures which do not form part of the submitted design but will be secured through other mechanisms including the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and **Appendix 7.6 (Outline Landscape and Ecology Management Plan)** of the **ES (6.3, APP-102)**.

Whilst some of the essential mitigation set out in **Paragraphs 8.8.12 to 8.8.29 Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** relates to the landscape design and provision of habitats, as the detail of these will be developed during the detailed design phase and secured through the Landscape and Ecological Management Plan (LEMP), these are considered to be essential rather than embedded mitigation.

It should also be noted that the subsequent assessment of likely significant effects set out in **Section 8.9 of Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** takes into account both embedded mitigation and essential mitigation. However, whether mitigation is considered embedded or essential would not alter the conclusions of the assessment.

ExQ1	Question to:	Question:
Q5.1.9	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.12 of Chapter 8 of the ES [APP-049] states that hedgerows which cannot be retained may be translocated where possible.  Please explain what circumstances would lead to this being inappropriate and what measures will be taken to maximise the potential for translocation, how this would be undertaken and where the receptor sites would be.

### Applicant Response

As set out in **Paragraph 8.11.4 in Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** the mitigation hierarchy has been embedded within the assessment process, whereby the design has sought to avoid adverse impacts to hedgerows the first instance. However, some residual loss of hedgerows would arise, and therefore the Applicant has made a commitment with **Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** and Commitment B8 of **Table**

**3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** to replace or translocate hedgerows. The assessment has assumed either replacement or translocation of hedgerows.

Whilst the preference will be to translocate hedgerows due to the ecological benefits that this provides, the assessment set out in **Chapter 8 (Biodiversity)** of the **Environmental Statement (ES) (6.1, APP-049)** is not reliant on translocation and the conclusion that effects would be not significant would remain even if replacement of all hedgerows is the most appropriate option. In some instances, it may prove inappropriate to translocate hedgerows. For example, where a suitable receptor site is not available at the time hedgerow removal is required, where excessive transportation would be needed to translocate a hedgerow, or where ground conditions make it not possible to excavate the root systems of the donor hedge.

In order to maximise the potential for hedgerow translocation the Applicant will undertake a review of construction phasing in the context of the landscape design. Where possible, translocation would be timed to avoid peak growing season, and translocated hedgerows monitored and watered as required. The detail of hedgerow translocation will be set out in the second iteration Environmental Management Plan (siEMP), approved by stakeholders and secured through Requirement 3 of the **draft Development Consent Order (3.1, Rev 2)**. Receptor sites would be located as close to the donor site as practical, and at locations where hedgerows are specified on **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)**.

ExQ1	Question to:	Question:
Q5.1.10	Design, Mitigation and Enhancements The Applicant	<p>Paragraph 8.8.23 of Chapter 8 of the ES [APP-049] states that "Where practicable, construction phase lighting would be designed to reduce light spill on important light-sensitive important biodiversity features, in particular the River Itchen corridor which is known to support bats and otters".</p> <p>Please explain what lighting would be used and how it would be designed to reduce the impact as stated. Please also explain in what circumstances it would not be practicable to use such mitigation.</p>

### Applicant Response

As set out in **Section 8.8** in **Chapter 8 (Biodiversity)** of the **Environmental Statement (ES) (6.1, APP-049)** and Commitment B18 in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** the Applicant has committed to ensuring that construction phase lighting avoids or minimises light spill on important light-sensitive important biodiversity features such as the River Itchen. The detail of construction phase lighting is still being developed. This will be presented within the second iteration Environmental Management Plan (siEMP) which will be secured through the **draft Development Consent Order (3.1, Rev 2)** in consultation with stakeholders. An indication of types and locations of lighting are presented in entry LV7 within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, which states: *'There will be static lighting points fixed to temporary structures such as the masts, cabins, workshops, gantry cranes and silos with the lamps up to 10m in height. These will be used to illuminate regularly used work areas, the car park and access areas'*.

In relation to avoiding or minimising light spill to the River Itchen, measures will include:

- Lighting will be angled downwards and directed away from habitats which may support light sensitive species such as bats and otter
- Lights will be switched off when not required
- Warmer light filters will be utilised

As indicated in **Paragraph 8.8.23** of **Chapter 8** of the **Environmental Statement (ES) (6.1, APP-049)** and **Section 4.8** of the **Habitats Regulations Assessment (7.5 APP-158)**, light spill to the River Itchen will be avoided where possible. However in certain limited circumstances it may be necessary to use more intrusive lighting for specific activities in the vicinity of the River Itchen, including the following:

- Within traffic management areas on the mainline carriageway (such as the A34 which crosses the River Itchen) Certain activities in relation to installation of prefabricated Itchen footbridge during hours of darkness

ExQ1

Question to:

Question:

Q5.1.11	Design, Mitigation and Enhancements The Applicant	<p>Paragraph 8.8.29 of Chapter 8 of the ES [APP-049] states that further surveys may be required, please detail or signpost the ExA to what the expectation is for this over the period from the start of the examination and commencement of construction.</p> <p>Please confirm if this is subject to the SoCG with Natural England and the EA.</p>
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### Applicant Response

As stated in **Chapter 8 (Biodiversity)** of the **Environmental Statement (ES) (6.1, APP-049)** and in **Table 3.2** in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, as construction is unlikely to commence until 2025, the Applicant has committed to continue to update surveys in advance of construction to ensure data remains current and is sufficient to inform the ongoing design development, mitigation strategies, and licencing (where required). Since publication of the Application documents the following update surveys have been undertaken:

- Dormice 2022
- Bat tree surveys 2022
- Reptiles spring 2023
- Breeding birds 2023

The results of these surveys show there have been no substantive changes to the baseline presented in the **Environmental Statement (6.1-6.3, APP-042-APP-153)** In addition, as set out in Commitment B3 of **Table 3.2** in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, the Applicant has made a commitment to continue to update baseline ecological surveys at the appropriate time of year in accordance with industry standards and at least three months prior to construction. In addition to the surveys listed above, the following surveys are likely to be updated prior to or during construction:

- Updated habitat and notable plant survey
- Further surveys of trees identified as having potential to support rooting bats
- Updated badger survey
- Updated otter survey

- Updated invasive species survey
- White-clawed crayfish survey

The proposal to update surveys is included in the **Statement of Common Ground with Natural England (7.12.5)**. Natural England has agreed with the Applicant's approach to conducting further surveys as set out in the **Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** and the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

ExQ1	Question to:	Question:
Q5.1.12	Design, Mitigation and Enhancements The Applicant	<p>There are references to the mitigation plan for the River Itchen which state "Measures will align with the Environment Agency River Itchen Restoration Strategy. These areas are likely to include riparian planting and / or channel narrowing by marginal planting".</p> <p>Please explain in more detail, or signpost the ExA, as to what measures are proposed and where, and how they complement the restoration strategy.</p>

### Applicant Response

**Figure 2.3 in Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1)** identifies areas of the River Itchen where enhancement measures will be provided. Measures will align with the Environment Agency's River Itchen Restoration Strategy. A commitment to delivering this is set out in **Table 3.2 in the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

During ongoing consultation between the Applicant and the Environment Agency, the Environment Agency provided information on the River Itchen Restoration Strategy for the section of the River Itchen within and adjacent to the Scheme. For this section of the river, the Restoration Strategy sets out a number of possible measures which could restore, rehabilitate, or conserve and enhance the section. However, those considered most feasible for the Scheme to deliver include riparian planting and / or channel narrowing by marginal planting.

It is understood from the Environment Agency that the Restoration Strategy is in the process of being updated, and as such some of the measures referred to in it may change. Once the Strategy has been updated, the Applicant will review and develop details of measures to include within the design in consultation with the Environment Agency. These will be set out in full within the Landscape and Ecological Management Plan (LEMP), secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q5.1.13	Design, Mitigation and Enhancements The Applicant	<p>Paragraph 8.8.30 of Chapter 8 of the ES [APP-049] outlines the operational mitigation provided, however there is little explanation as to what this is and refers to the Outline Landscape and Ecological Management Plan, Appendix 7.6 [APP-102]. Overall, it is not clear what the operational mitigation provided will be for individual species.</p> <p>Please summarise the operational mitigation for species.</p>

### Applicant Response

**Paragraph 8.8.30 of Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** outlines the 'essential' operational mitigation provided for which further information is set out in **Appendix 7.6 (Outline Landscape and Ecological Management Plan) of the ES (6.3, APP-102)**. This includes management and monitoring of retained and new habitats aimed at optimising their biodiversity value; timing of ongoing management and maintenance work to avoid sensitive times for species; and treatment of non-native invasive species and biosecurity measures principally for white-clawed crayfish.

However, this section does not include operational mitigation which is 'embedded' within the design of the Scheme. 'Embedded' operational mitigation is set out in **Paragraphs 8.8.5 to 8.8.11 of Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)** and incorporates key design measures including:

- Operational drainage systems including a range of features to treat highway runoff including wetlands, attenuation basins, and swales
- Design of the new foot/cycle bridge to allow passage of wildlife, in particular otter and bats, to be maintained along the riverbank during operation

- New areas of woodland and scrub within the landscape design which have been located to maintain and enhance connectivity for wildlife (including bats and dormice)
- Provision of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme
- Fencing provided along the footpath/cycleway on either side of the River Itchen to prevent pedestrians from entering woodland habitat potentially used by otter
- The provision of wildlife fencing in key locations as part of the Scheme to avoid or minimise the risk of badgers and otters colliding with vehicles during operation

ExQ1	Question to:	Question:
Q5.1.14	Outline Landscape and Ecological Management Plan The Applicant	<p>Paragraph 1.1.11 of The Outline Landscape and Ecological Management Plan (OLEMP), Appendix 7.6 [APP-102] states that “The OLEMP and subsequent LEMP would be reviewed periodically (at least annually) to determine whether the management activities are meeting the objectives”.</p> <p>Please detail who would be conducting this and how findings will be reviewed, actioned and financed and are secured within the DCO.</p>

### Applicant Response

During detailed design **Appendix 7.6 (Outline Landscape and Ecology Management Plan)** of the **ES (6.3, APP-102)** will be refined by the Principal Contractor to form the Landscape and Ecological Management Plan (LEMP). The Landscape and Ecological Management Plan (LEMP) will form Appendix B of the second iteration Environmental Management Plan (siEMP).

During the 5-year establishment period the Scheme would be maintained and managed in accordance with the objectives and prescriptions set out in the Landscape and Ecological Management Plan (LEMP), undertaken by the Principal Contractor responsible for the implementation of the Scheme on behalf of the Applicant. The Principal Contractor would appoint an appropriately experienced and qualified landscaping contractor. The contractor is required to be competent at identifying plant species, including those proposed as part of seeded and planted mixes, as well as any undesirable species, and experienced in the various habitat creation and enhancement works required on this Scheme.



A commitment to monitoring of planting is confirmed in entry LV22 of **Table 3.2** within the **first iteration Environmental Management Plan (7.3, Rev 2)** which states that there will be quarterly inspection by the Principal Contractor's Environmental Manager in the first two years, followed by annual inspections in the following three years after seeding/planting. This will also be monitored and overseen by National Highways Operations Directorate as set out in **Paragraph 1.3.9- 1.13.11** of **Appendix 7.6 (Outline Landscape and Ecology Management Plan)** of the **ES (6.3, APP-102)**.

The Principal Contractor would be responsible for monitoring the establishment of new planting and seeding in line with the detailed landscape scheme specification. They would also be responsible for replacing planting defects during the contracted 5-year establishment period, and any other management prescriptions that are scheduled to be undertaken during the establishment period.

The steps above are standard practice when undertaken landscaping and habitat establishment works. The costs are included in the costs of developing and operating the Scheme.

Following the completion of the establishment period the Principal Contractor will refine and update the second iteration Environmental Management Plan (siEMP) to produce the third iteration Environmental Management Plan (tiEMP), which would include an update of the Landscape and Ecological Management Plan (LEMP). The Landscape and Ecological Management Plan (LEMP) will set out the future maintenance, management, and monitoring requirements which will be the responsibility of National Highways or relevant highway authority as part of the management of the wider road network.

The preparation and production of the second iteration Environmental Management Plan (siEMP) and third iteration Environmental Management Plan (tiEMP) are secured by **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**. The preparation of the landscape design is secured by **Requirement 5** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q5.1.15	Net Gain appendix The Applicant	The Biodiversity Net Gain Assessment, Appendix 8.2 [APP-131] explains the risk factors associated with including chalk grassland in the net gain calculation.

		Please explain what the risks are with regard to the scheme and what is being proposed to mitigate these risks. Please also detail any other similar risks that are included in or have influenced the calculation.
<b>Applicant Response</b>		
<p>The metric used for the Biodiversity Net Gain (BNG) calculation presented <b>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131)</b> applies three risk multipliers to post-development enhancement and creation interventions. These three risk multipliers are the difficulty of creation or enhancement, temporal risk and spatial risk.</p> <p>The first of these three risk multipliers is most relevant to the Scheme. The metric considers there to be a risk associated with the creation of chalk grassland as, in the wrong setting, there would be uncertainty in the effectiveness of the techniques to create or enhance such a habitat. For example, attempting to create chalk grassland in areas where the soils are dense, deep, poorly-drained or with a low pH is highly unlikely to be successful. The metric automatically assigns this risk for each habitat, based on its habitat intervention category, and does not take account of a site's setting. The risk affects the overall number of habitats units delivered. Consequently, in relation to the Scheme, this serves to reduce the number of habitat units delivered through the provision of chalk grassland. As such whilst the Biodiversity Net Gain (BNG) Score presented in <b>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131)</b> includes the risks associated with difficulty of creation which has automatically been applied, it is considered overly precautionary, and is less relevant in the context of the Scheme.</p> <p>The Applicant has consulted with Butterfly Conservation to determine whether chalk grassland creation has been successfully established in the local area. Creation of chalk grassland in the local area has been proven to be successful, for example at the nearby Butterfly Conservation Reserve at Magdalen Hill Down. Habitat survey information for existing areas of grassland within the Site shows calcareous grassland is present. The Site is located within an area known to have a chalk base and loose soil structure that drains easily and as such, with the appropriate management, will naturally lend itself to the establishment of chalk grassland as has occurred locally elsewhere.</p> <p>Full details of the approach to chalk grassland creation will be set out in the second iteration Environmental Management Plan (siEMP) and Landscape and Ecological Management Plan (LEMP), secured through <b>Requirement 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>. Specific interventions could include soil testing in the first instance to assess soil pH and determine</p>		

fertility and nutrient levels. The spraying of glyphosate could also be undertaken to create a sterile seedbed and reduce, as far as possible, weeds from competing with the desired wildflowers and grasses.

The second (temporal) risk '(b) relates to the deficit of biodiversity as mitigation and compensation habitats mature. For chalk grassland the default time for the habitat to reach target condition, 20 years, has automatically been applied by the BNG metric. Habitat management and monitoring specifications which will mitigate this risk are set out within the **Appendix 7.6 (Outline Landscape and Ecology Management Plan)** of the **ES (6.3, APP-102)**, which will be further developed in the Landscape and Ecological Management Plan (LEMP) secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**. These measures will ensure that this habitat reaches target condition.

The final (spatial) risk relates to the local significance of the habitat. In this instance chalk grassland is considered to have high strategic significance, due to its inclusion on the Hampshire Biodiversity Action Plan, is 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 Downs Local Plan 2014-2033* (South Downs National Park Authority, 2019).

ExQ1	Question to:	Question:
Q5.1.16	Net Gain appendix The Applicant	<p>In The Biodiversity Net Gain Assessment, Appendix 8.2 [APP-131], there is mention of the potential for additional funds for further habitat enhancement.</p> <p>Please detail what the opportunities would be resulting from this and what the enhancement will be targeted on. Please also explain why this should not be included in the DCO.</p>

**Applicant Response**

As mentioned in **Paragraph 1.6.6 of Appendix 8.2 (Biodiversity Net Gain Assessment Report)** of the **ES (6.3, APP-131)**, the Applicant is pursuing an application for Designated Funds to provide further habitat enhancements to the east of the M3. National Highways' Designated Funds programme focuses on investing money to improve the country's road network and its surroundings. Funding is invested on making improvements that will result in the biggest difference and deliver lasting benefits. The Applicant has undertaken a feasibility assessment in relation to the use of Designated Funds for the reversion of arable

habitat within the South Downs National Park to chalk grassland within land east of the Scheme. Other biodiverse habitats created / enhanced as part of the Designated Funds project would include species-rich hedgerow, native scrub and woodland.

The purpose of the Designated Funds project is to support National Highways' corporate targets in relation to biodiversity net gain, rather than mitigate for, or be attributed to, any specific project or development. The exact scope and scale of the Designated Funds project is still being discussed. If the application is successful, the creation of extensive areas of predominantly chalk grassland as part of the Designated Funds project will take advantage of the opportunities provided by the M3 Junction 9 Improvement Scheme through the provision of bigger, better and more connected areas of semi-natural habitat.

At this stage though, there is still no certainty that the Designated Funds project will go ahead, and land purchases, long-term management leases and other matters are still being agreed and finalised. For this reason, the Designated Funds project cannot be included within the Development Consent Order. Furthermore, the Development Consent Order is not reliant on the Designated Funds project to mitigate for its impacts, and adequately addresses opportunities for biodiversity enhancements within the Application Boundary.

ExQ1	Question to:	Question:
Q5.1.17	Winchester City Council	In the RR response from WCC [RR-102] to the application it is stated that additional information is required for some species. Please explain what this information is and if it has been discussed with the Applicant.

### Applicant Response

Winchester City Council requested the following information in the Relevant Representation [RR-102]:

- Confirmation required on bat surveys as transect surveys last undertaken in 2017.
- Both the draft mitigation and compensation strategy and Natural England comments in order to be confident that the EPS mitigation licence will be granted.
- Additional Badger survey reports and the draft mitigation and compensation strategy.

- Further bird surveys required in accordance with current bird survey guidelines.

The Applicant has held meetings with Winchester City Council on 9 February 2023 and 12 April 2023, and has either provided further information requested, or will be providing it when it becomes available. At the April meeting, Winchester City Council confirmed that it is content with the level of further information provided or to be provided and have no further comments.

ExQ1	Question to:	Question:
Q5.1.18	Habitat Regulations Assessment The Applicant	The Brook Lamprey Condition Assessment: APEM (2017) River Itchen Brook Lamprey Condition Assessment Report does not appear to have been provided with the Application. The Applicant is requested to provide a copy of this report to the Examination.

**Applicant Response**

The Applicant has provided a copy of the River Itchen Brook Lamprey Condition Assessment APEM (2017) for submission in **Appendix B**.

ExQ1	Question to:	Question:
Q5.1.19	Habitat Regulations Assessment The Applicant	The Applicant is requested to provide, for the mitigation measures described in Section 4: appropriate Assessment of the Habitats Regulations Assessment (HRA) [APP-158] secured within the fiEMP [APP156], the numbered references within the fiEMP [APP-156] Table 3.2 in order to clarify the specific measures relied upon to conclude no Adverse Effects on Integrity of the River Itchen SAC.

**Applicant Response**

For each potential effect assessed within **Section 4** of the **Habitats Regulations Assessment (7.5 APP-158)** details of mitigation measures incorporated into the Scheme to avoid adverse effects on the integrity of the River Itchen Special Area of Conservation (SAC) have been provided. These mitigation measures are secured within **Table 3.2** in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. As requested, for each of the potential effects assessed within **Section**

**4** of the **Habitats Regulations Assessment (7.5 APP-158)**, the Applicant has set out below numbered references to where the mitigation is secured within the **Table 3.2** in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

Potential effect assessed within <b>Section 4</b> of the <b>Habitats Regulations Assessment (7.5 APP-158)</b>	<b>Table 3.2</b> in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>	
4.2 Changes in water quality during construction	B10, B15, B28. WE2-3, WE5-13, WE17, WE19, WE22, WE24-26	
4.3 Changes in Water Quality once operational	WE14	
4.4 Changes in Flow or Hydrology During construction	B10, B15 WE3, WE5-6, WE15-16, WE21	
4.5 Changes in Hydraulic Conditions once operational	WE14	
4.6 Other Habitat Degradation during construction	B10-11, B15, B29 WE15, WE21	
4.7 Other habitat degradation once operational	B1, B23, B29	
4.8 Species Disturbance during construction	B2-3, B12, B15-18	
4.9 Species Disturbance once operational	B1	
4.10 Mortality of white-clawed crayfish (construction phase)	B3, B29	
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q5.1.20	Habitat Regulations Assessment The Applicant	The Applicant is requested to explain why Natural England and the EA are not listed as consultees under Requirement 3(1).
<b>Applicant Response</b>		
<p>Natural England and the Environment Agency are included as a consultee on key and relevant matters in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>. Therefore, the Applicant is responsible for consulting with Natural England and the Environment Agency on relevant environmental matters in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> and subsequent versions (second iteration and third iteration Environmental Management Plans) secured under <b>Requirement 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> rather than being noted as consultees on the <b>entire first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> under <b>Requirement 3</b>.</p> <p>As set out in <b>Section 1</b> of the <b>Habitats Regulations Assessment (7.5, APP-158)</b>, the Applicant has consulted with Natural England and the Environment Agency on the content of the <b>Habitats Regulations Assessment (7.5, APP-158)</b>. The Secretary of State will be the 'Competent Authority' who will be advised by the Planning Inspectorate, and Natural England as the lead 'Statutory Nature Conservation Body' (SNCB). Due its formal status in relation to some qualifying features of the River Itchen Special Area of Conservation (SAC), the Environment Agency is also a key consultee for the Habitats Regulations Assessment process.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q5.1.21	Habitat Regulations Assessment The Applicant	Pedestrian fencing is relied upon to mitigate potential operational disturbance effects to otters (qualifying feature of the River Itchen SAC) and conclude no Adverse Effect on the Integrity of a European Site (AEoI). Can the Applicant indicate where in the draft DCO [APP-019] this mitigation has been secured
<b>Applicant Response</b>		
As stated in <b>Paragraph 4.9.3</b> of the <b>Habitats Regulations Assessment (7.5, APP-158)</b> and <b>Paragraph 8.8.9</b> of <b>Chapter 8 (Biodiversity)</b> of the <b>Environmental Statement (ES) (6.1, APP-049)</b> , potential operational effects on otters will be suitably		

prevented through the use of pedestrian fencing located adjacent to the new footpath/cycleway to stop pedestrians from entering areas of sensitive terrestrial habitat adjacent to the River Itchen Special Area of Conservation (SAC) (including woodland). The proposed fencing is shown on the **General Arrangement Plans (2.5, APP-009)**. Further details of the fencing will be provided within the Landscape and Ecological Management Plan (LEMP) to be secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)** in agreement with statutory consultees.

## 2.6 Climate Change and Resilience

ExQ1	Question to:	Question:
Q6.1.1	General climate change and policy The Applicant	<p>The NPSNN, paragraphs 4.37 to 4.47, sets out how the NPS puts Government policy on climate change adaptation into practice, and in particular how applicants and the Secretary of State should take the effects of climate change into account when developing and consenting infrastructure. The NPSNN Accordance Table [APP-155] refers to the ES Chapter 14 [APP-055] which considers the scheme's vulnerability and resilience to climate change.</p> <p>Please specify in summary all appropriate mitigation or adaptation measures that have been identified for the scheme including any changes, or additions to the proposed mitigation since the preparation of the ES.</p> <p>Please clarify and confirm the period that they are intended to cover.</p>
<b>Applicant Response</b>		
<p>As set out in <b>Section 14.6</b> of <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (6.1, Rev 2)</b>, the following mitigation has been incorporated into the design of the Scheme. As these measures are part of design, they will be implemented during construction but will provide mitigation during the entirety of the operational stage of the Scheme:</p>		



- The Scheme has been designed in accordance with UK and British Standards, including BS EN 1991-1-5:2003 in relation to thermal action and BS EN 1991-1-4:2005. The design standards increase durability by requiring reinforced concrete elements for the effects of early thermal cracking and incorporated well detailed weathering steel elements.
- The attenuation storage within the system is designed to have a capacity to accommodate a 1 in 100-year flow event, with a climate change allowance of 40%.
- The Scheme has been designed in accordance with the Design Manual for Roads and Bridges CD 356 Design of Highway structures for hydraulic action (Highways England, 2020), allowing to +120% climate change allowance for the bridge soffit height.
- In addition, **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 - 143)** sets out how the Scheme integrates Sustainable Drainage Solutions (SuDS) which include basins, swales and filter drains.
- Further, the substantial green infrastructure provision within **Figure 2.3 in Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** would create multi-functional habitat corridors across the Scheme and would link to the wider landscape. A diverse selection of species is proposed, including suitable seed mixes of chalk grassland species, native broadleaved woodland, and a mosaic of native scrub. The incorporation of a variety of species as well as the selection of low maintenance habitats provides greater climate resilience as there would be less needed to water the planting during periods of low rainfall or drought. The Scheme's planting specifications would be provided at detailed design stage and will accord with the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

Lastly, **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)** includes the appropriate establishment and management of new landscape planting and features in accordance with relevant best practice and standards. Suitable management of the proposed landscaping would help to ensure the long-term success of the planting. The duration of management and monitoring for each landscape/ecology element created or enhanced is 25 years from completion of the authorised development. The proposed planting and its management include several measures that are recommended in Natural England's Climate Change Adaption Manual (NE751) (Natural England, 2021), such as selecting a greater mix of native trees and shrubs. The Applicant confirms that no changes or additions to the proposed mitigation have been made since the preparation of the **Environmental Statement (6.1-6.3, APP-042 - APP-153)**.

ExQ1	Question to:	Question:
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Q6.1.2	General climate change and policy The Applicant	<p>In relation to NPSNN, Paragraph 4.43, the NPSNN Accordance Table [APP-155] refers to ES Chapter 14 (Climate) [APP-055], section 14.16, which sets out the essential mitigation measures that have been incorporated into the scheme's design.</p> <p>Please summarise how the ES demonstrates that there would be no critical features of the scheme which might be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections?</p> <p>In Chapter 14, paragraph 14.16.7, it is stated that further considerations in relation to landscape planting and wildfire risk would be undertaken at detailed design. Should such mitigation be specified more precisely at this stage in the REAC Tables or otherwise secured through the draft DCO [APP019]?</p>
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### Applicant Response

Critical features of the Scheme have been identified in **Table 14.11** in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** and include structures, pavements, drainage, signage, end users and landscape and ecology. **Paragraph 14.12.9** in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** confirms that the assessment is based on the highest impact climate projection scenarios available (Representative Concentration Pathway 8.5) and thereby takes a conservative approach. In addition, the assessment is based on the 50<sup>th</sup> percentile, but also considers the 5-95<sup>th</sup> percentile ranges for the Representative Concentration Pathway 8.5 scenario, as set out in **Appendix 14.4 (Climate Projections Data)** of the **ES (Document Reference 6.3, APP-149)**. The ranges represent relevant likelihoods of each projection, with there being a low likelihood that projections would fall outside of the 5-95<sup>th</sup> percentile range. As noted in **Paragraph 14.12.13** in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**, H++ (extreme) climate scenarios are considered within the **Flood Risk Assessment (7.4, APP-157)**, which allows for a more conservative climate change allowance of 120% than if H++ climate scenarios were not considered. The Applicant considers that there is no available prediction available beyond these scenarios which would change the response to the worst case predictions adopted.

**Table 14.13** in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** assesses the sensitive receptors (critical features) against the UK Climate Change Projections 2018 Representative Concentration Pathway 8.5 projections, as

required by the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021), and identifies potential impacts. No significant effects were identified due to appropriate mitigation being in place, such as designing to several UK and British Standards.

LV3 and B1 in **Table 3.2** of the **first iteration Environmental Management Plan (7.3, Rev 2)** state that the detailed Landscape and Ecological Management Plan (LEMP) will include information on the location, number, species, size and planting density of proposed planting, as well as specifications for long term management and monitoring of habitats. It is considered that these measures will help to reduce factors that contribute to an increased risk to wildfires, such as homogenous terrain vegetation with high fuel load (combustible content, live or dead, with low moisture levels). The Landscape and Ecological Management Plan (LEMP) will be developed in consultation with stakeholders and its preparation is to be secured by **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q6.1.3	General climate change and policy The Applicant	<p>The ES Chapter 14 [APP-055] Table 14.13 provides an assessment of likely significant effects of climate change on the scheme.</p> <p>In relation to structures including bridges, signage, and end users (walkers, cyclists and horse-riders, drivers) and the potential effects of an increase in wind speed in winter due to climatic change, please provide further justification for the conclusion reached that any effect would not be significant.</p> <p>As regards end users and the potential impact of risk to health during heatwaves as well increased risk from wildfires, please explain the operation of the National Highways standard emergency procedures for wildfires on or around the strategic road network.</p>

### Applicant Response

**Paragraphs 14.14.27-14.14.29** of **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** explain that confidence in increasing wind speeds due to climate change is low given the natural variability from month to month and season

to season. In addition, the Scheme is in an inland and low-lying location, and it is therefore anticipated that it is relatively resilient to changes in wind. Therefore, the likelihood of high speed wind events is considered to be Low.

The Scheme has been designed in accordance with BS EN 1991-1-4:2005, the associated UK national annex and PD 6688-1-4:2015 which specifies wind loading criteria requirements. Given this embedded mitigation, it is considered that high speed wind events would not cause a regional disruption to the strategic network lasting more than one day, and the consequence is therefore considered to be minor adverse. In accordance with Table 3.41 in the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021), the effect would be not significant.

Wildfire planning and response is managed by Local Resilience Forums (LRFs). A Local Resilience Forums (LRF) is a multi-agency forum formed in a police area by key emergency responders and specific supporting agencies. It is a requirement of the *Civil Contingencies Act 2004*. National Highways are a 'Category 2' responder and have a duty to co-operate with Local Resilience Forums (LRFs), including Fire & Rescue in collaboration with the Met Office which provide the Fire Severity Index (FSI). Any wildfire incidents on or near the road network would be managed under the Crisis Management Manual (CMM). The Crisis Management Manual (CMM) provides the strategic framework for National Highways to plan for, respond to, and recover from incidents and major emergencies.

ExQ1	Question to:	Question:
Q6.1.4	Greenhouse Gas emissions The Applicant	<p>The ES Chapter 14 [APP-055] paragraph 14.5.40, sets out the assessment assumptions and limitations including that the Greenhouse Gas (GhG) assessment is based on preliminary design information that was available at the time of assessment.</p> <p>Please provide further evidence to support the assertion that the selection of reasonable worst-case assumptions have been made and that the inclusion of some elements of scheme design at the detailed design stage would not result in new or different likely significant effects to those reported in section 14.10.</p>

### Applicant Response

The assessment is based on the **General Arrangement Plans (2.5, APP-009)**, the **Engineering Plans and Sections (2.6, APP-010)**, taking into account the lateral and vertical deviation limits that are set out in **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES) (6.1, APP-043)**. Detailed design is required to accord with these documents and therefore it is not anticipated to result in substantial design changes that would lead to materially new or worse likely significant effects.

In addition, reasonable worst-case assumptions have been made where some elements of the design cannot be quantified to exact specifications. For example, while it is anticipated that a recycled blend of concrete will be utilised, the exact specification for ready mix concrete is currently unknown. As a result it was assumed that the concrete mix would be 100% CEM 1 which is a traditional mix but has a greater, more intense carbon factor than a blend that incorporates recycled material such as fly ash. National Highways is actively considering less carbon-intensive materials which, if they prove to be appropriate and effective for design situations such as the Scheme requires, could be considered at detailed design.

ExQ1	Question to:	Question:
Q6.1.5	Greenhouse Gas emissions The Applicant	<p>The ES Chapter 14 [APP-055] paragraph 14.5.11, indicates that data on emissions was also gathered at a local authority and south-east England level for additional context purposes.</p> <p>Please provide a full explanation as to why these emissions were not taken further within the assessment to provide appropriate context for the project's GhG emissions and comment upon the value of the project's assessment made against the UK economy carbon budget in the absence of such a comparison.</p>

### Applicant Response

The local authority and South-East England baseline emissions presented in **Table 14.3 in Chapter 14 (Climate)** of the **ES (6.1, Rev 2)** relate to 2020. The Department for Energy Security and Net Zero (DESNZ, known as DBEIS at the time of writing the **Environmental Statement (6.1-6.3, APP-042 - APP-153)**) does not provide emission data projections for future years. Therefore there is no available local authority emissions data that can be compared to the Scheme's opening and design assessment years.

As set out in **Paragraph 14.5.38 of Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**, the *Climate Change Act 2008* does not impose a legal duty to set carbon budgets at a smaller scale than national. The Government has not identified any sectoral targets for carbon reductions related to transport or any other sector. However, the Applicant notes that, in respect of the assessment of significance against the UK Carbon Budgets, the Secretary of State acknowledged in the M25 Junction 28 Improvement Project decision letter: *'92. The Secretary of State considers, in the light of paragraph 5.18 of the NNNPS, it is necessary to evaluate whether (amongst other things) the increase in carbon emissions resulting from the Proposed Development would have a material impact on the ability of Government to meet its carbon reduction targets. As set out above, the CCC consider that the 2050 target and interim CBs [carbon budgets] should meet the goals of the Paris Agreement meaning a proposal which is compatible with the 2050 target and interim CBs is consistent with the approach to addressing the severe adverse effects of climate change...The Secretary of State considers that the approach to considering the impact on carbon emissions as set out in the NNNPS continues to be relevant in the light of international obligations and domestic obligations related to reducing carbon emissions that have come into force since the NNNPS was designated. The Secretary of State notes that the CBs are economy-wide and not just targets in relation to transport.'*

The M25 Junction 28 Improvement Project is similar to the M3 Junction 9 Scheme, given that they are both junction improvement projects of a similar scale and with comparable contributions to the Carbon Budgets.

The impact assessment of the Scheme has therefore only been undertaken against national level carbon budgets which reflect existing Government policy to reach net zero by 2050, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (National Highways, 2021) and the *National Policy Statement for National Networks (NPS NN)*. The Applicant considers that this is a reasonable and appropriate approach which is supported by the M25 example; and that it would be less reasonable to be expected to calculate a budget for a single, local project with no guaranteed assurance that could be verified by a third party about its accuracy.

ExQ1	Question to:	Question:
Q6.1.6	Greenhouse Gas emissions The Applicant	The ES Chapter 14 [APP-055] paragraph 14.5.37 states that the GhG assessment is inherently cumulative and Chapter 15 Cumulative effects [APP-056] paragraphs 15.3.11 and 15.3.12 set out the GhG assessment approach to the consideration of cumulative effects and

		<p>affirm that the cumulative assessment of different developments together with the scheme is inherent within the GhG methodology:</p> <ul style="list-style-type: none"> <li>▪ Please explain in more detail the inherent nature of the cumulative assessment within the GhG methodology and the approach to assessing the scheme's GhG emissions against the UK carbon budgets.</li> <li>▪ Please provide further details to explain why there is no reasonable basis upon which an assessment can be made on the carbon emissions impact of the scheme at a local, regional, or sectoral level.</li> </ul>
<b>Applicant Response</b>		
<p>As noted in <b>Paragraph 14.5.27</b> in <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b>, the transport model includes traffic flows generated by other locally cumulative developments in the surrounding area. These traffic flows have been used to calculate the do-minimum and do-something end-user emissions. The assessment therefore inherently considers emissions resulting from other cumulative developments.</p> <p>The approach to the comparison of the Scheme's emissions to the UK carbon budgets, as required in section 3.18 of the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021), is set out in <b>Paragraph 14.5.34</b> in <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b>. Construction is expected to start in 2025 and the Scheme is expected to be open to traffic in 2027. Therefore, the construction period for the Scheme falls wholly within the fourth carbon budget. Operation of the Scheme would commence in 2027 and is assessed against the fourth, fifth and sixth carbon budgets, up to 2037. The greenhouse gas assessment considers the combined impact of the different direct and indirect sources of greenhouse gases resulting from the Scheme on the UK carbon budgets, as set out in <b>Table 14.1</b> in <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b>. The assessment therefore inherently addresses single project cumulative effects. See response to Q6.1.56 in relation to local, regional and sectoral emissions.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

<p>Q6.1.7</p>	<p>Greenhouse Gas emissions                  The Applicant</p>	<p>The ES Chapter 14 [APP-055], paragraph 4.9.10 advises that where practicable, measures to reduce GhG emissions would be secured through the fiEMP [APP-156]. In relation to those measures:</p> <ul style="list-style-type: none"> <li>▪ There are a number of Climate measures specified in the REAC table including C1-C3, C7 and C11 which relate, amongst other things to the use of materials, equipment, and lower carbon energy sources for which there are no monitoring requirements proposed. Please explain why it is not considered necessary for these aspects of the climate mitigation to be monitored.</li> <li>▪ There are other Climate measures specified in the REAC table where the monitoring requirements include site inspections. Please explain when and by whom these Climate measures site inspections will be conducted. Should this be more precisely be specified in the REAC table or the body of the fiEMP [APP-156]?</li> <li>▪ The fiEMP [APP-156], paragraph 6.1.3, indicates that specific monitoring and reporting requirements are still to be developed, some in consultation with third party stakeholders and this will be done through the DCO process and detailed design. Does this apply to any Climate measures? If so, please explain why they cannot be specified at this stage.</li> <li>▪ The REAC table includes item C12 which relates to delivering substantial tree planting proposed within the scheme, as shown on Figure 2.3 (Environmental Masterplan) of the ES [APP-062]. Provision is made for periodic monitoring of planting to ensure appropriate establishment. Please provide further details as to when and by whom such monitoring will be carried out. Should this be more precisely specified in the fiEMP [APP-156] or otherwise secured through the draft DCO [APP019]?</li> </ul>
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**Applicant Response**



C1 – C3 and C7 within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** are measures that will be secured through detailed design and will be implemented (by the contractors building the Scheme to design specifications).

C11 within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, relating to the use of electric and hybrid plant and equipment, will be managed through site inspections and regular vehicle inspections. Such inspections, along with others referred to on other climate measures such as C4 within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, will occur as part of daily inspections undertaken by the Site Manager in accordance with the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** requirements.

C12 in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** refers to proposed planting, for which several other commitments within the fiEMP also apply. Monitoring of planting is confirmed in LV22 within **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** which states that there will be quarterly inspection by an Environmental Manager in the first two years, followed by annual inspections in the following three years after seeding/planting to ensure compliance with **Appendix 7.6 (Outline Landscape and Ecology Management)** of the **ES (6.3, APP-102)**.

ExQ1	Question to:	Question:
Q6.1.8	Greenhouse Gas emissions The Applicant	The ES Chapter 14 [APP-055], paragraph 14.10.20, confirms that the scheme emissions have been benchmarked against similar schemes. The comparison is provided in ES Appendix 14.3 (GhG Benchmarking) [APP-148]. It is asserted that the construction related emissions are comparable with other projects on a per kilometre basis and that since the scheme's transport model covers the region of south-east England, end user emissions are considerably higher than that of the other schemes which use much smaller study areas. Table 14.3.1 M25 Junction 10/A3 11.6 km Interchange gives a figure for End user emissions /annum of 218,190 tCO <sub>2</sub> e compared to 3,214,777 tCO <sub>2</sub> e for this scheme.

		<p>Please provide further details and data to support the assertions made in relation to the comparison with similar schemes.</p> <p>Please provide information in relation to the differing study areas that have been considered and the comparison on a per kilometre basis figures.</p>
<b>Applicant Response</b>		
<p>Paragraph 3.9 of the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021) requires the study area for the operational road user emissions to be “<i>consistent with the affected road network defined in a project's traffic model</i>”. The traffic model covers South East England as shown in <b>Figure 14.1</b> in <b>Chapter 14 (Climate – Figures)</b> of the <b>ES (6.2, APP-076)</b>. The study area for operational end-user emissions therefore utilises this same area in order to be consistent with the Scheme’s traffic model, as stated in <b>Section 14.6</b> of <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b>.</p> <p>The M25 Junction 10/A3 defines its operational end-user emission study area to be ‘<i>within 200 m of the Scheme extent, including the M25 junction 10, the M25 extending between junctions 8 and 13, the A3, the M3 between junctions 2 and 3, the A246 and other local roads.</i>’ (Paragraph 5.4.4 of M25 junction 10/A3 Wisley interchange TR010030 6.3 Environmental Statement Chapter 5: Air quality). This study area is based on the Design Manual for Roads and Bridges (DMRB) LA 105 Air quality (Highways England, 2019) rather than the DMRB LA 114 Climate (Highways England, 2021), hence the study areas used for the two assessments are substantially different in scale and is the reason for the M3 Junction 9 end user emissions being much larger than the M25 Scheme.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q6.1.9	Construction Contract – Sustainability The Applicant	<p>The ExA understands that the Applicant has appointed a contractor to undertake the construction of the scheme and support the project development.</p> <p>Please summarise the sustainability requirements of the contract, the proposed performance indicators which will be used to measure this and, where commercially acceptable, what</p>

		commitments have been proposed by the contractor. Please explain how this will be secured in the DCO.
<b>Applicant Response</b>		
<p>A number of actions and commitments regarding climate and sustainability (and other environmental topics individually) are outlined within <b>Table 3.2</b> in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>. The Principal Contractor is responsible on site for delivering the commitments in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>, as described within the Scheme design. The Principal Contractor will implement the procedures set out in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> with technical advice from competent environmental specialists. They are responsible for all their subcontractors on site and for ensuring that subcontractors comply with the requirements of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>.</p> <p>The <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> is a live document and <b>Table 3.2</b>, of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>, will be updated as the document is refined in the future to the second iteration Environmental Management Plan (construction) and to the third iteration Management Plan (operation), to demonstrate progress to date and for environmental auditing purposes, with updates periodically sent to the relevant National Highways management personnel. These commitments will be secured through <b>Requirement 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q6.1.10	Construction Carbon Emissions The Applicant	Please can the Applicant explain what construction practices are proposed to reduce carbon attributable to the construction process and what initiatives and innovations are being considered to reduce embodied and direct carbon emissions. For the avoidance of doubt, please confirm that the GhG emissions attributable to construction, as detailed in Table 14.4 of the ES Chapter 14 [APP-055], are the emissions post mitigation measures.
<b>Applicant Response</b>		

Mitigation measures for indirect embodied and direct carbon emissions for the construction process are set out in **Section 14.9 of Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** and include the following:

- 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.
- Use of warm mix asphalt (WMA) instead of hot mix asphalt on all road surfaces, 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.

The above mitigation is considered to be 'embedded mitigation' and has been incorporated into the design of the development. These measures have therefore been accounted for within the construction emissions presented in **Table 14.4 of Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**. Additional mitigation, termed as 'essential', has not been taken into account within the GHG assessment given that specifics of, for example, the proportion of recycled material, is not known at this stage and therefore any carbon reductions associated with these are not currently quantifiable.

Essential mitigation measures, that will be secured through the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, include the following:

- Using materials with lower embedded GHG emissions and water consumption
- Using sustainably sourced materials
- Using recycled or secondary materials
- 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
- Use of Euro 6 compliant vehicles which are more fuel efficient and/or EVs within National Highways fleet used during the construction of the Scheme
- Use of electric and hybrid plant and equipment
- Manage plant and equipment use so that there is no unnecessary idling of engines
- Use of materials with lower embedded GHG emissions and water consumption where possible

ExQ1	Question to:	Question:
Q6.1.11	General climate change and policy The Applicant	<p>The ExA notes that the Transport Action Network and Dr Andrew Boswell comment that the Proposed Development should be compared against local and regional transport carbon budgets.</p> <p>Please could these parties suggest how such budgets could be identified, taking into account that the Government has not issued any forecasts of cumulative carbon emissions at a scale below the national level.</p>
<b>Applicant Response</b>		
<p>The Applicant notes that this question is addressed to the Applicant, however this question specifically asks 'these parties' being Transport Action Group and Dr Boswell to respond. The Applicant has provided an appropriate response in relation to local, regional and sectoral emissions in Q6.1.5 and Q6.1.6 above.</p>		
ExQ1	Question to:	Question:

Q6.1.12	General climate change and policy The Applicant	Please could the Applicant explain why the observed temperature/precipitation for 1981 to 2000 was chosen as a comparison period for the United Kingdom Climate Projections 2018 (UKCP18) projections for temperature and precipitation
<b>Applicant Response</b>		
<p><b>Section 14.14.3 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)</b> was based on the latest information at the time of writing. The Met Office has since published updated historic climate averages for the period 1991-2020 on its website, including maps and data. These are provided below for completeness. These show that the observations have not changed substantially to those reported in the <b>Environmental Statement (ES) (6.1-6.3, APP-042 – APP-153)</b> and therefore do not change the assessment or conclusions within <b>Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)</b>.</p>		
	<b>1981-2010 historic climate averages reported in Chapter 14 (Climate)</b>	<b>1991-2020 historic climate averages</b>
<b>Average annual maximum temperature</b>	14.6°C	15.0°C
<b>Warmest month on average</b>	July (mean maximum temperatures of 22.7°C)	July (mean maximum temperatures of 22.9°C)
<b>Coldest month on average</b>	January (mean minimum temperature of 1.3°C)	February (mean minimum temperature of 1.4°C)

<b>Average total annual rainfall</b>	746.5mm	753.6mm
<b>Wettest month on average</b>	November (average monthly rainfall of 88.6mm)	November (average monthly rainfall of 91.4mm)
<b>Driest month on average</b>	April (average monthly rainfall of 50.1mm)	June (average monthly rainfall of 45.2mm)
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q6.1.13	General climate change and policy The Applicant	The ExA notes that peat has been identified in the vicinity of the proposed River Itchen footbridge. The Ground Investigation Report [APP-164] states that the full extent and nature of the peat at that location is unknown and further ground investigation works would be required to inform the design of the bridge foundations. Please can the Applicant confirm the timing of such works and where they are secured.
<b>Applicant Response</b>		
<p>According to <b>Paragraph 14.10.5 of Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b>, peat has been identified in the vicinity of the proposed footbridge and around the River Itchen. However, it has not been identified in significant amounts, and any piling works associated with construction are unlikely to disturb the existing peat deposits directly or indirectly. No other organic soil has been identified within the study area.</p> <p>Additional ground investigation works to inform detailed design of the proposed scheme have been undertaken recently (Q1 &amp; Q2 2023) and the results are awaited for review. Depending on the findings of the review of the results, further intrusive ground investigations may be proposed. The requirement for additional phased ground investigation is secured in Commitment GS1</p>		

and GS2 of **Table 3.2** in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The presence of peat will influence the design of the foundations, but peat is not anticipated to need removal.

ExQ1	Question to:	Question:
Q6.1.14	Greenhouse Gas emissions The Applicant	Please can the Applicant clarify whether the conclusions of the operational GhG emissions assessment relied on the results of the sensitivity test undertaken against DfT's Transport Decarbonisation Plan.

#### Applicant Response

The sensitivity test in **Table 14.7** in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** is not part of the impact assessment. It provides additional context to demonstrate that Government policy and measures in the Transport Decarbonisation Plan, that are not accounted for in *DEFRA's Emission Factor Toolkit* (EFT), could lead to reduction in road-user emissions. However, these reductions are not being relied upon or secured through the Development Consent Order application for the Scheme.

ExQ1	Question to:	Question:
Q6.1.15	Greenhouse Gas emissions The Applicant	It is stated in ES Chapter 14 [APP-055] paragraph 14.5.40 that the GhG assessment was based on "reasonable" worst case assumptions.  Please can the Applicant explain what is meant by 'reasonable' in this context.

#### Applicant Response

See response to Q6.1.4.

ExQ1	Question to:	Question:
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Q6.1.16	Culminative Climate Effects The Applicant	Please could the Applicant confirm whether the approach to the assessment of cumulative climate effects was agreed with any relevant body, such as the relevant local authority.
<b>Applicant Response</b>		
The approach to assessment of cumulative climate effects was set out and agreed through the EIA Scoping Reports (2019 and 2020) – see <b>Appendix E (EIA Scoping)</b> of the <b>Consultation Report (5.1, APP-031)</b> , which were made available for relevant stakeholders to comment on the methodology at that time. The approach to the cumulative assessment accords with paragraphs 3.19-3.22 of Design Manual for Roads and Bridges (DMRB) LA 104 Environmental assessment and monitoring (Highways England, 2021).		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q6.1.17	Culminative Climate Effects The Applicant	It is stated that further information on climate cumulative effects is contained in ES Chapter 15 [APP056], however that simply repeats the information in ES Chapter 14 [APP-055]. Please could the Applicant confirm whether information has been omitted from ES Chapter 15 in error.
<b>Applicant Response</b>		
As stated in <b>Paragraph 14.5.37 of Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b> , the greenhouse gas assessment is inherently cumulative. Therefore, there is no separate cumulative assessment, other than that presented in <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b> and no information has been omitted.		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q6.1.18	Greenhouse Gas emissions The Applicant	It is unclear from the wording of Section 14.9 of ES Chapter 14 [APP-055] if any essential construction mitigation measures were taken into account in the GhG assessment and therefore informed its conclusions.  Please could the Applicant explain which mitigation measures were taken into account in the assessment of significance.
<b>Applicant Response</b>		
See response to Q6.1.10.		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q6.1.19	Mitigation The Applicant	In reaction to mitigation, reference is made to the OLEMP and the post consent detailed LEMP within the REAC contained within the fiEMP [APP-156], however these are not referenced in the draft DCO [APP-019]. Please could the Applicant consider whether they should be explicitly included in the draft DCO and provide an explanation if that is considered unnecessary.
<b>Applicant Response</b>		
The Applicant does not consider it necessary to detail the Landscape and Ecological Management Plan (LEMP) in the <b>draft Development Consent Order (3.1, Rev 2)</b> as this is sufficiently secured in the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> , secured under <b>Requirement 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> , and will be secured for the construction stage as the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> states that the Landscape and Ecological Management Plan (LEMP) will be prepared for second iteration Environmental Management Plan (siEMP). The <b>draft Development Consent Order (3.1, Rev 2)</b> has been amended for Deadline 2 to ensure that the landscaping scheme under Requirement 5 is based on <b>Appendix 7.6 (Outline Landscape and Ecological Management Plan)</b> of the <b>ES (6.3, APP-102)</b> environmental masterplan and the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> which ensures that the landscaping scheme considers relevant documentation which might be certified elsewhere.		

ExQ1	Question to:	Question:
Q6.1.20	Mitigation The Applicant	<p>In relation to the vulnerability of the Proposed Development it is unclear whether the suggested alternative road routes and means of transport road users could use in the event of a climate hazard causing traffic disruption, described in ES Chapter 14 [APP-055] paragraphs 14.17.4 – 14.17.6, are considered to be additional mitigation measures and were taken into account in the assessment.</p> <p>Please could the Applicant clarify.</p>
<b>Applicant Response</b>		
<p><b>Paragraphs 14.17.4 to 14.17.6 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)</b>, describe existing alternative transport routes and options in the event that a climate hazard requires a diversion from the Scheme. This is not mitigation as they do not form part of the Scheme, but consideration has been given to these alternative routes in order to determine whether there is a sufficient level of systemic climate resilience in the wider transport network.</p>		
ExQ1	Question to:	Question:
Q6.1.21	Mitigation The Applicant	<p>It is stated in the ES Climate chapter that the proposed embedded and essential mitigation measures are contained in the fiEMP [APP-156], however it does not identify the corresponding measures therein.</p> <p>Please could the Applicant identify the relevant items in the REAC (contained in the fiEMP [APP-156]) that correspond to the measures described in the chapter</p>
<b>Applicant Response</b>		
<p>Measures <b>C1-C13</b> in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> correspond with the climate mitigation set out <b>Sections 14.9 and 14.16</b> of <b>Chapter 14 (Climate)</b> of the <b>Environmental Statement (ES) (6.1, Rev 2)</b>.</p>		

## 2.7 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

ExQ1	Question to:	Question:
Q7.1.1	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	<p>The Statement of Reasons (SoR) [APP-022], section 3, considers the source and scope of the powers set out in the draft DCO [APP-019]. Paragraph 3.3.2 explains that Article 28 provides for the extinguishment of public rights of way (PRoW). The draft DCO Schedule 4 Part 1 lists three existing PRoWs and Part 2 lists two private rights of way that would be stopped up pursuant to that article. Please explain in further detail:</p> <ul style="list-style-type: none"> <li>▪ The need to seek these powers for these existing rights of way.</li> <li>▪ What alternatives to this approach in each case have been explored?</li> </ul>
<b>Applicant Response</b>		
<p>The Applicant notes that the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of <b>Schedule 4</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> would be extinguished on the date of the expiry of the notice given under that Article. However, the Applicant would highlight that under sub-paragraph (3)(c) of that Article, any notice must include details of any public rights of way being provided in substitution. Article 17(2)(a) of the <b>draft Development Consent Order (3.1, Rev 2)</b> also provides that no street or private means of access specified in columns (1) and (2) of Parts 1 and 2 of Schedule 4 being a street or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up unless the new street or private means of access to be constructed as a substitute has been completed to the reasonable satisfaction of the street authority and is open for use; or a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a). Article 15(8) then provides that unless otherwise agreed with the local highway authority, the public rights of way set out in Part 8 of Schedule 3 and identified on the <b>Rights of Way and Access Plans (2.4, Rev 1)</b> area to be constructed</p>		

by the undertaker and from date of use shall have the legal status as described in column (2) of Part 8 of Schedule 3. Therefore, the three existing Public Rights of Way listed in Part 1 of Schedule 4, whilst being extinguished will be replaced contemporaneously to that extinguishment following the details set out in the rights of way and access plans.

The two private means of access listed in **Schedule 4, Part 2** will also have substitutions provided prior to extinguishment as set out in Article 17(2) of the **draft Development Consent Order (3.1, Rev 2)** which secures the extent of the substitutions through reference to the **Classification of Road Plans (2.8, Rev 1)**.

The Applicant has been asked to provide further detail as to the need to seek to extinguish these rights. The need is due to the realignment of the existing infrastructure over which these rights fall. The extinguishment of the rights aligns with the removal of the existing infrastructure, and their substitution aligns with the construction of replacement infrastructure. The consideration of the stopping up and new routes is considered in **Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)**.

As to the alternatives to the approach explored, this is set out in **Appendix 3.3 (Non-Motorised Users Route Options)** of the **ES (6.3, APP-082)**.

ExQ1	Question to:	Question:
Q7.1.2	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	<p>The SoR [APP-022], section 2.5, relates to alternatives and flexibility and paragraph 5.3.5, states that the land included in the draft DCO [APP-019] is the minimum land-take required to construct, operate, maintain, and mitigate the scheme, and that the limits of deviation have been drawn as tightly as possible so as to avoid unnecessary land-take. To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the development to which the development consent will relate:</p> <ul style="list-style-type: none"> <li>▪ For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted scheme would allow in terms of limits of deviation and parameters providing dimensions where relevant</li> </ul>

		<ul style="list-style-type: none"> <li>How would it be ensured that powers of Compulsory Acquisition (CA) would not be exercised in respect of land not ultimately required as a result of the detailed design process?</li> </ul>
<b>Applicant Response</b>		
<p>The limits of deviation for the authorised development are set out in <b>Article 8</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>. This sets out that primarily the limits of deviation are as set out on the works plans. Certain works are explicitly set out in <b>Article 8</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> and have separate limits of deviation. The Applicant has carefully considered the degree of flexibility that it requires to undertake the Scheme. In identifying the vertical limits of deviation in <b>Article 8</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> the Applicant has, as far as possible, sought to provide appropriate flexibility while recognising that it cannot have unfettered flexibility. In defining those vertical limits of deviation, in particular, the flexibility is very limited.</p> <p>The limits of deviation reflect the current level of design and the complexity of the Scheme. The site is heavily constrained in engineering terms, in particular by existing infrastructure, water features and geometric standards. This approach is well precedented for other schemes such as the A417 (Missing Link), M25 Junction 10, or A38 Derby Junctions Orders. The <b>Environmental Statement (6.1-6.3, APP-042-153)</b> has assessed the Scheme in respect of the limits of deviation.</p> <p>Powers of compulsory acquisition would not be exercised in respect of land not ultimately required as a result of the detailed design process, as <b>Article 24</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> only grants the undertaker power to acquire compulsorily so much of the Order land as is required to carry out or to facilitate, or is incidental to, the authorised development. Where detailed design has provided that less land take may be required, then that land would not be acquired unless it remains necessary to facilitate or is incidental to the authorised development. In addition, the Applicant would not want to incur the compensation liabilities involved in acquiring land it does not need. Furthermore, any land acquired by compulsory acquisition is subject to the Crichel Down Rules and so in the unlikely event it has been acquired but it is not required for the Scheme, the land would have to be dealt with in accordance with these rules.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q7.1.3	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	<p>The Explanatory Memorandum (EM) [APP-020], paragraphs 4.105 and 4.106, explain that Article 27 allows for rights over land to be acquired as well as the land itself, and also for new rights to be created over land. This includes the power to impose restrictive covenants. It provides for such rights as may be required to be acquired by the undertaker over land which it is authorised to acquire under Article 24. The public benefit of this is stated to be that it would allow the undertaker to reduce the area of outright acquisition if possible and rely on rights instead:</p> <ul style="list-style-type: none"> <li>▪ Please explain further why the area of outright acquisition cannot be more precisely identified at this stage?</li> <li>▪ How can it be ensured that Article 27 would be utilised in this way and that the Article 24 powers of CA would not be exercised in respect of land that could instead be made the subject of new rights or covenants?</li> <li>▪ What type of review process and/or control could be put in place to reflect this aim?</li> </ul>
<b>Applicant Response</b>		
<p>The Applicant cannot currently identify areas where rights can be acquired rather than acquisition of the freehold estate as that will be subject to the results of detailed design. The area of areas of permanent acquisition of the freehold estate has been identified as a proportionate and necessary. The Applicant requires powers of compulsory acquisition over so much of the Order land as is set out in the <b>Land Plans (2.2, APP-006)</b> in order to carry out or to facilitate the authorised development as it is currently envisaged in preliminary design, <b>Article 24</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> grants such powers.</p> <p><b>Article 27</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> provides the Applicant with the power to acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under <b>Article 24</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>. Where the Applicant has already identified land whereby outright acquisition of the entire interest would not be applicable, the Applicant has limited its acquisition</p>		

to only the acquisition of such wayleaves, easements and new rights, or imposition of restrictive covenants in the land specified in **Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)**.

Pursuant to Article 27(3) the power to impose restrictive covenants is exercisable only in respect of plots specified in column (1) of **Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)**.

It is not the intention for Article 27 to be utilised in a way that rights might be acquired in the alternative to outright acquisition. The intention of the Applicant is as set out in the **Land Plans (2.2, APP-006)**, **Book of Reference (4.3, Rev 2)**, and **Statement of Reasons (4.1, Rev 2)** which detail what land is required for the Scheme or is required to facilitate or is incidental to the Scheme. Where, after a process of detailed design, it becomes apparent that acquisition of some land might be done through the acquisition of rights as opposed to the entire legal interest then this would be subject to the discretion of the Applicant to elect to acquire in this manner. By acquiring rights rather than the freehold estate the Applicant might subject itself to less compensation payable to respective landowners.

We are not aware of any previous circumstance where a review process or control has been put in place to force an applicant to re-assess its proposition of compulsory acquisition as submitted and secured in a Development Consent Order. The mechanism currently proposed has a long basis of precedence being based on Article 21 of the model provisions, Article 27 of the A47 Blofield to North Burlingham Development Consent Order 2022, Article 28 of the M25 Junction 28 Development Consent Order 2022, Article 23 of the M54 to M6 Link Road Development Consent Order 2022, Article 26 of the A30 Chiverton to Carland Cross Development Consent Order 2020, Article 23 of the A19/A184 Testo's Junction Alteration Development Consent Order 2018, and Article 24 of the M20 Junction 10a Development Consent Order 2017.

ExQ1	Question to:	Question:
Q7.1.4	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The SoR [APP-022], paragraph 3.3.2, explains that Article 27 allows rights over land to be acquired instead of outright acquisition. The land in which only new rights may be acquired is specified in Schedule 5 of the draft DCO [APP-019] as being Plot 6/5 relating to work no 21.  Please provide further details as to why it is necessary and reasonable to acquire new rights over this particular plot of land?



## Applicant Response

**Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)** sets out that column (2) of that Schedule that the purpose for which rights may be acquired over plot 6/5 is to permit the Applicant to permanently access, construct, maintain and repair overhead electricity cables and associated apparatus associated with work number 21. As set out in Schedule 1 of the **draft Development Consent Order (3.1, Rev 2)**, work number 21 relates to the diversion of 269 metres in length of power cables. As demonstrated on the **Work Plans (2.3, Rev 1)** work number 21 also extends past plot 6/5 and into plot 6/4c over which the Applicant is proposing to acquire the entire freehold estate.

It was identified that in Plot 6/5, as the only works that are required are the diversion of the utility asset, it would be proportionate only to acquire the rights necessary to divert and maintain and repair this rather than acquire the entire freehold estate. The specific rights proposed at Schedule 5, column 2 have been selected to enable the Applicant to transfer the benefit of such rights to the relevant undertaker pursuant to **Article 10** of the **draft Development Consent Order (3.1, Rev 2)** without that undertaker experiencing any loss of the rights they might currently enjoy over their asset in its current location.

ExQ1	Question to:	Question:
Q7.1.5	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	<p>The SoR [APP-022], paragraph 3.3.2, refers to Article 27 and Table 2 of Annex A of the SoR provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants:</p> <ul style="list-style-type: none"> <li>▪ The Annex A Tables do not appear to be numbered. Please clarify?</li> <li>▪ Please provide an indication of the anticipated content and/or an initial draft of any restrictive</li> <li>▪ Covenants intended to be imposed.</li> <li>▪ Should a requirement for consultation with relevant owners/occupiers as regards the drafting of any such restrictive covenants be imposed?</li> </ul>

## Applicant Response

The Applicant considers that the reference to **Paragraph 3.3.2** was meant to read **Paragraph 3.2.2 of Annex A of the Statement of Reasons (4.1, Rev 2)**.

The Applicant notes that the tables in **Annex A of the Statement of Reasons (4.1, Rev 2)** have not been numbered. Table 1 is the table headed "Acquisition of Land – by Plot Number" which starts on **Page 41** in the **Statement of Reasons (4.1, Rev 2)**, Table 2 is the table headed 'Acquisition of Rights – by Plot Number' which starts on **Page 93** in the **Statement of Reasons (4.1, Rev 2)**, and Table 3 is the table headed 'Temporary Possession of Land – by Work Number' which starts on **Page 94** in the **Statement of Reasons (4.1, Rev 2)**.

The power to impose restrictive covenants is provided principally to protect the plant and equipment of statutory undertakers. The power to impose restrictive covenants as granted by Article 27(1) is limited by Article 27(3) which states that such power is exercisable only in respect of the plots specified in column (1) of Schedule 5, being only plot number 6/5. The imposition of any restrictive covenant would be limited under (2) to be only that required for the purpose set in column (2) of **Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)** that the purpose for which rights may be acquired over plot 6/5 is to permit the Applicant to permanently access, construct, maintain and repair overhead electricity cables and associated apparatus associated with work number 21.

It is not anticipated that any consultation would be suitable for the imposition of a restrictive covenant as any such imposition would be required to protect the utility apparatus being diverted over plot number 6/5. Any relevant owner/occupier would be entitled to compensation pursuant to Article 27(5).

ExQ1	Question to:	Question:
Q7.1.6	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The SoR [APP-022], paragraph 3.3.8, indicates that this article would enable the Applicant to choose instead of acquiring the whole of the land pursuant to Article 24, to acquire only the subsoil underneath, or airspace over the land.  Please indicate the circumstances in which this power might be used, and the anticipated purposes of any land so acquired?

**Applicant Response**

The Applicant has interpreted this question as relating to **Article 32** of the **draft Development Consent Order (3.1, Rev 2)**.

**Article 32 (Acquisition of subsoil or airspace only)** of the **draft Development Consent Order (3.1, Rev 2)**, facilitates the Applicant's ability to be flexible in order to minimise, so far as is possible, the extent of interests to be acquired, with less impact upon landowners. The **Explanatory Memorandum (3.2, APP-020)**, at paragraph 4.129 explains that it is considered to be in the public interest to provide this flexibility. The right enables accommodation works to be installed underground and structures to oversale third party land without needing to acquire the surface.

This power has precedence in Article 24 of the model provision as well as Article 32 of the A47 Blofield to North Burlingham Development Consent Order 2022, Article 32 of the M25 Junction 28 Development Consent Order 2022, Article 27 of the M54 to M6 Link Road Development Consent Order 2022, Article 31 of the A30 Chiverton to Carland Cross Development Consent Order 2020, Article 27 of the A19/A184 Testo's Junction Alteration Development Consent Order 2018, and Article 29 of the M20 Junction 10a Development Consent Order 2017, and Article 32 of the A417 (Missing Link) Development Consent Order 2022.

ExQ1	Question to:	Question:
Q7.1.7	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The SoR [APP-022] Annex A includes a number of plots that are not required for specific works but the purpose for which they are to be acquired is stated as being: "Land required for the purposes associated with or ancillary to the construction, operation or maintenance of the Authorised Development".  Please provide further details in respect of each of those plots the anticipated ancillary activities and explain why the land is needed for this purpose?

**Applicant Response**

The Applicant notes that the following plot numbers listed in **Annex A** of the **Statement of Reasons (4.1, Rev 2)** have been listed to be acquired for purposes associated with or ancillary to the construction, operation or maintenance of the Authorised Development:

2/2; 3/2d, 5/1b, 5/1c, 5/1d, 5/2h, 6/2h, 7/4a, 9/1a, 9/1b, 9/1c, 9/1d, 9/1e, 9/1f, 9/2, 9/3a, 9/3b, 9/3c, 9/3d, 9/3e, 9/3f, 9/3g, 9/3h, 9/3i.

Generally these plots are required for traffic management purposes, including the installation of signs starting at least 1 mile before the works, laying out of cones and provision of contraflows as well as some landscaping.

The Applicant notes that as per the **Book of Reference (4.3, Rev 2)** while these plots form part of the adopted highway they are not all in the ownership of the Applicant. In some cases there are other rights and interests held by other parties such as where a plot also contains the River Itchen the Environment Agency is noted. The Applicant's approach has been to include these plots as permanent acquisition regardless of the fact that it holds a Category 1 interest in these plots already as the Applicant requires the powers to acquire any as yet unknown third party rights that may be present to enable the Applicant to construct maintain and operate the authorised development.

ExQ1	Question to:	Question:
Q7.1.8	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The SoR [APP-022] paragraphs 3.4.2 to 3.4.5, explain Article 34 which relates to the temporary use of land for carrying out the authorised development. In relation to the Order Land that would fall within the scope of Article 34 (a) (ii): <ul style="list-style-type: none"> <li>▪ Please explain why this power is necessary and why all land that is to be the subject of temporary possession (TP) powers cannot be identified in advance in Schedule 7 of the draft DCO [APP-019]?</li> <li>▪ What is the purpose for which TP needs to be taken of this 'other land'?</li> </ul>

**Applicant Response**

All the land that is to be subject of only temporary possession has been identified in **Schedule 7** of the **draft Development Consent Order (3.1, Rev 2)**. As set out in the **Explanatory Memorandum (3.2, APP-020)**, at paragraph 4.133 and 4.134, the land set out in Schedule 7 is required during the construction of the Scheme but is not required permanently.

**Article 34(1)(a)(ii)** of the **draft Development Consent Order (3.1, Rev 2)** permits the Applicant to occupy any other Order land which it has not yet permanently acquired. **Article 34(11)** of the **draft Development Consent Order (3.1, Rev 2)** sets out that the Applicant cannot take temporary possession under **Article 34(1)(a)(ii)** of the **draft Development Consent Order (3.1, Rev 2)** any land which the undertaker is not authorised to acquire under Article 24 or 27 of the **draft Development Consent Order (3.1, Rev 2)**. This permits the Applicant to undertake limited preliminary actions, as listed at **Article 34(b), (c), and (d)** of the **draft Development Consent Order (3.1, Rev 2)** prior to full acquisition. **Article 34(2)** of the **draft Development Consent Order (3.1, Rev 2)** sets out a notice procedure requiring the Applicant to serve 28 days' notice to any relevant owner occupier of land to be temporary occupied and explain the purpose of the temporary possession should the Applicant be taking possession pursuant to **Article 34(1)(a)(ii)** of the **draft Development Consent Order (3.1, Rev 2)**. There are limits to the time the Applicant might continue to temporarily possess land under **Article 34(1)(a)(ii)** of the **draft Development Consent Order (3.1, Rev 2)** as set out in **Article 34(3)(b)** of the **draft Development Consent Order (3.1, Rev 2)**.

Therefore, the '*other land*' would only be subject to temporary possession for a limited number of reasons. The Applicant is not able to provide a definitive list of plot numbers this might be applicable, neither would be appropriate to do this as the purpose of this clause is to add flexibility for the Applicant and aid in the timely delivery of the Scheme. Compensation would be payable to the owners and/or occupiers of the land in the event that the Applicant exercised this power.

As set out in the Applicant's **Explanatory Memorandum (3.2, APP-020)**, this approach has been taken on other National Highways Development Consent Orders.

ExQ1	Question to:	Question:
Q7.1.9	The scope and purpose of the Compulsory Acquisition Powers	The SoR [APP-022], paragraph 3.4.10, indicates that the powers to use land temporarily for maintaining the scheme ensures that the land is available for maintenance works during a

	sought The Applicant	five-year period from when that part of the scheme is first opened for use. The definition of “maintenance period” in Article 35(11).  Please explain further why this is regarded as being a reasonable period within which this power can be exercised and why a shorter period could not be inserted in Article 35(11)?
<b>Applicant Response</b>		
<p>A 5 year maintenance period is a standard period being set in at Article 29 of the model provisions and has been used on many other National Highways Development Consent Orders, including Article 34 of the A417 (Missing Link) Order 2022, and other orders as set out in the Applicant’s <b>Explanatory Memorandum (3.2, APP-020)</b>, the initial 5 year period is the time in which it is considered most likely that any latent defects as a result of constructing the Scheme will materialise which could result in remedial works.</p> <p>In addition, this aligns with Requirement 6, in Schedule 2 where the Applicant must replace any tree or shrub planted as part of the landscaping scheme that within a period of 5 years after planting, is removed dies or becomes seriously damaged. The Applicant must retain this period at least to cover this requirement.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q7.1.10	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	For the avoidance of doubt, please confirm the total number of plots falling within each of Parts 1 to 3 of the Book of Reference (BoR) [APP-024] and the SoR Annex A Parts 1 to 3 [APP-022].
<b>Applicant Response</b>		
The Applicant can confirm that the <b>Book of Reference (4.3, Rev 2)</b> has a total of 117 plots in ‘Part 1: Names and addresses for service of each person within Categories 1 and 2 as defined in Section 57 of the <i>Planning Act 2008</i> ’. 48 plots are present in		

'Part 3: Names and addresses of those persons whose entitlement to enjoy private easements or rights may be extinguished, suspended or interfered with'.

All 117 plots in **Part 1** of the **Book of Reference (4.3, Rev 2)** are accounted for in **Annex A Parts 1-3** in the **Statement of Reasons (4.1, Rev 2)**.

ExQ1	Question to:	Question:
Q7.1.11	The scope and purpose of other rights and powers The Applicant	<p>The SoR [APP-022] paragraph 3.5.1, explains that in addition to powers of CA, if made, the DCO would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. Article 23 would authorise the Applicant to enter onto any land within the Order Limits or which may be affected by the authorised development to undertake various survey and investigative works, including trial holes. Article 23(2) provides for a 14 day notice period to be given to the owner/occupier of the land.</p> <ul style="list-style-type: none"> <li>▪ Please explain and define the land outside the Order limits which “may be affected by the authorised development”.</li> <li>▪ How would that land be ascertained and how can it be ensured that this power would be reasonably exercised for a necessary purpose?</li> <li>▪ Please specify the types of surveys and investigations for which this power would be utilised?</li> <li>▪ Please provide justification for a 14 day notice period and consider whether this is unreasonably short and should be extended to 28 days?</li> </ul>

**Applicant Response**

As set out in the Applicant's **Explanatory Memorandum (3.2, APP-020)** the provisions of this Article were included in the model provisions as **Article 16, Paragraph 6** of the **Explanatory Memorandum (3.2, APP-020)** which provides for deemed consent

in cases where there is no response to an application for consent under this Article, was not included in the model provisions but is now a standard provision following its inclusion in numerous previous orders.

The land outside the Order limits which '*may be affected by the authorised development*' cannot be succinctly defined but will be limited to the purpose for which access might be obtained. The affected land would have to have a direct connection to the Scheme and be required by the Applicant to be accessed for those reasons set out in Article 23(1). For example it may be necessary to undertake a survey outside the Application Boundary in respect of crayfish on Winnall Moor or noise monitoring surveys to inform Section 61 of the *Control of Pollution Act (1974)* consent.

The reasonable exercise of this power is already limited through the express set of circumstances that the Applicant might exercise this power as set out in Article 23(1). However, the types of survey or investigation which may be undertaken include: site condition surveys of each section of the Scheme, ecological walkover surveys including any temporary works areas, updated habitat and notable plant surveys (including invasive species), updated species surveys, ground/surface water sampling and gas monitoring.

The Applicant must serve 14 days' notice under Article 23(2). This is a reasonable notice period considering the precedence of this Article in the model provisions and other National Highways Development Consent Orders. It is also the same notice period as is required in section 172 of the Housing and Planning Act 2016 which permits a person authorised in writing by an acquiring authority, which includes the Applicant, to enter and survey or value land in connection with a proposal to acquire an interest or a right over land.

Therefore the Applicant considers that this provides ample justification for a 14 day notice period being reasonable.

ExQ1	Question to:	Question:
Q7.1.12	Compulsory Acquisition of the land, rights and powers that are sought by the draft	The SoR [APP-022], section 5.4, sets out the Applicant's compelling case in the public interest for the proposed CA. Paragraph 5.4.5 concludes that there is a compelling case in the public interest for the Scheme to be delivered. However, whilst Table 5.1 outlines the benefits delivered by the Scheme and its objectives, there is little mention of any consideration given to private loss. Please provide further explanation in relation to the following:



	DCO The Applicant	<ul style="list-style-type: none"> <li>▪ What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case.</li> <li>▪ If no such exercise has been undertaken, please explain why it is considered unnecessary to do so in this case?</li> <li>▪ What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?</li> </ul>
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**Applicant Response**

**Section 5.4** of the **Statement of Reasons (4.1, Rev 2)** sets out that the Applicant is satisfied that the conditions in section 122 of the Planning Act 2008 (the Act) are met and that tests within the Compulsory Acquisition Guidance are satisfied, and there is a compelling case in the public interest for the Compulsory Acquisition identified as necessary to deliver the scheme.

All of the land subject to compulsory acquisition and temporary possession is necessary to construct, operate, maintain and mitigate the scheme and the Applicant believes that the extent of land sought is proportionate and reasonable.

Landowners whose land is compulsorily acquired are entitled to compensation under the Compensation Code, as incorporated into the **draft Development Consent Order (3.1, Rev 2)**. A first principle of the Compensation Code is the principle of equivalence - that landowners are, as far as possible, to be placed in a position equivalent to that which they would have been had the compulsory purchase of their land not occurred. The land cost estimate undertaken as part of the Scheme development is undertaken for each landowner / affected person and considers severance and injurious affection. Any residual private loss suffered by landowners is therefore likely to be limited, albeit the Applicant recognises that interfering with private property rights (and associated human rights) is not a matter to be approached lightly. The Applicant has had regard to the requirement in section 122(3) of the Act and the factors which evidence the compelling case where public benefit derived from the compulsory acquisition outweigh the private loss of those whose land is affected. This is demonstrated within the following application documents:

- **Case for the Scheme (7.1, Rev 1)**

- **Statement of Reasons (4.1, Rev 2)**
- **Funding Statement (4.2, APP-023)**

The *National Policy Statement for National Networks (NPSNN)*, in paragraph 2.10, outlines that the Government has concluded that at a strategic level there is a compelling need for development on the national networks – both as individual networks and as an integrated system. It goes on to say that the Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by the NPSNN on that basis.

The documents referred to above also demonstrate how the conclusion that there is a compelling case in the public interest has been reached, and how the balancing exercise has been carried out.

The documents referred to above demonstrate that interference with human rights would be proportionate and justified. The need for and benefits of the Scheme are set out within the **Statement of Reasons (4.1, Rev 2)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a very strong and compelling case in the public interest for the Scheme to be delivered.

The land identified as being required for the Scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme. The purpose for which each plot of land is required is set out within **Annex A** of the **Statement of Reasons (4.1, Rev 2)**.

During the Scheme's development, each plot has been reviewed individually in order to challenge the proposed land take and allow refinement where possible to reduce land required. This plot-by-plot review included consideration of:

- The requirement for land take and extent to which the plot was required. This included design alterations in consultation with affected persons to ensure that only land necessary for the Scheme was included within the Order limits, and wherever possible, the Scheme allowed for the continued use of wider land holdings.
- Review of the land use and ownership of land in order to consider the impacts of including that land within the Scheme, both in terms of ownership and any business impacts.
- Review of areas and amendments to ensure, wherever possible, land take follows existing boundaries / ownerships.

- Efforts to reduce severance and design changes to ensure no inaccessible or unworkable areas of land exist post construction of the Scheme.

As a result of the above proportionality tests and review / challenge process which balanced the requirement for individual plots against the anticipated impacts, the Applicant is satisfied that the powers of compulsory acquisition and possession sought through the **draft Development Consent Order (3.1, Rev 2)** are necessary, proportionate, and justified.

ExQ1	Question to:	Question:
Q7.1.13	Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO The Applicant	The SoR [APP-022], paragraph 2.3.1, and Table 5.1 sets out the Scheme objectives and the expected benefits that would be delivered.  Please indicate whether the five public benefits claimed within Table 5.1 comprise a complete list and require any update?

**Applicant Response**

**Table 5.1** in the **Statement of Reasons (4.1, Rev 2)** sets out the Scheme objectives and the benefits that would be delivered through the performance of these objectives. As stated at **Paragraphs 2.3.1, 5.3.4 and 5.4.3** the full benefits of the Scheme are provided throughout the **Case for the Scheme (7.1, Rev 1)**, **Environmental Statement (ES) (6.1-6.3, APP-042 - APP-153)** and **Combined Modelling and Appraisal Report (7.10, Rev 1)**.

ExQ1	Question to:	Question:
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Q7.1.14	Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO The Applicant	The SoR [APP-022], section 4.9, outlines the steps the Applicant has taken to acquire land by negotiation and the status of those negotiations is set out at Annex B to the SoR. Please provide further details, with examples where available: <ul style="list-style-type: none"> <li>▪ Whether such engagement has helped to shape the proposals and enabled the Applicant to make changes to designs, including the extent of land-take, to minimise the private loss.</li> <li>▪ Please provide detail, where available, of any direct and indirect impacts thereby identified.</li> </ul>
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### Applicant Response

The Applicant made offerings to all affected landowners for a meeting with the District Valuer through the means of a letter which was sent on 18 November 2021. This letter sought consent to discuss early acquisition by agreement. Meetings have since been held with affected landowners to progress discussions with those who showed interest in an agreement outside of compulsory acquisition. Details of these discussions are logged against the '*Status of objection and negotiations with land interest column*' in **Annex B** in the **Statement of Reasons (4.1, Rev 2)**.

The applicant has held discussions with landowners and these have not generally resulted in requests for the application to provide additional accommodation works or alterations to the design of the scheme. There have been design changes as the project has evolved which can be seen within the **Consultation Report (5.1, APP-025)**.

The Applicant is in discussions with a landowner and exploring the options in creating a perimeter around his property which could result in slight design changes and minimise the loss of private property for the landowner whilst reaching an agreement outside of compulsory acquisition.

The Applicant has explored the possibility of using an agreement pursuant to section 253 of the *Highways Act 1980* as an alternative to permanent acquisition but without success.

ExQ1	Question to:	Question:
Q7.1.15	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	What weight has the Applicant attached to the compensation that would be available to those entitled to claim it under the relevant provisions of the national Compensation Code in its assessment of private loss?
<b>Applicant Response</b>		
<p>The Applicant is unsure what the ExA is asking here. As a matter of law where there is a private loss as a result of the exercise of powers of compulsory acquisition the person suffering the private loss must be financially compensated. If the ExA is concerned that the Applicant has attributed less importance to the compulsory acquisition of land because those with an interest in the land will be appropriately financially compensated the answer is no. The Applicant has applied the usual balance of weighing the need for a scheme and it's benefits against the private loss suffered by those with an interest in the land.</p>		
ExQ1	Question to:	Question:
Q7.1.16	Whether all reasonable alternatives to Compulsory Acquisition been explored The Applicant	<p>The CA Guidance, paragraph 25, state that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <ul style="list-style-type: none"> <li>▪ Please demonstrate the Applicant's compliance with this aspect of the CA Guidance.</li> <li>▪ Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land or considered other means of involving those affected?</li> </ul>
<b>Applicant Response</b>		

As set out in **Paragraph 4.9.2** of the **Statement of Reasons (4.1, Rev 2)** the Applicant has engaged with all affected landowners, leaseholders and occupiers with a view to acquiring their land interest by agreement by writing to them to inform them of the Applicant's willingness to negotiate to acquire the Land by agreement, and to invite dialogue at that point. Letters were issued to all affected Landowners where permanent acquisition and permanent rights are required on 18 November 2021 and to all Landowners with temporary rights; all leaseholders and occupiers on 18 November 2021. As a result, the Applicant is in the process of engaging with a number of land interests with regard to the acquisition of land and interests by agreement; and negotiations will be ongoing throughout the examination. The status of such negotiations is set out in the Applicant's updated **Annex B** of the **Statement of Reasons (4.1, Rev 2)**.

Confirmation Schedules were issued to parties identified as having an interest in the land in October 2022 to confirm that the information held on their land/property was still correct. Alongside the Confirmation Schedules 6 parties were requested to make contact with the District Valuer to re-engage into negotiations.

Whilst negotiations are ongoing, the Applicant is mindful that it is under a duty to acquire land at best value and that it is required to deliver the Scheme within a specified timescale. It has concluded that it may not be possible to acquire by agreement all land interests necessary to deliver the Scheme within this timescale.

At this time the Applicant has not offered access to alternative dispute resolution (ADR) as there is no indication that these are required at this stage. Should a dispute arise about the level of compensation or the principle to be used to calculate such compensation the appropriateness of ADR will be considered at that time.

ExQ1	Question to:	Question:
Q7.1.17	Whether all reasonable alternatives to Compulsory Acquisition been explored	In the light of the DCLG Guidance related to procedures for the compulsory acquisition of land (CA Guidance), paragraph 8: <ul style="list-style-type: none"> <li>▪ How can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored?</li> </ul>

	The Applicant	<ul style="list-style-type: none"> <li>Set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests therein in each case.</li> </ul>
<p><b>Applicant Response</b></p>		
<p>Paragraph 8 of the <i>Guidance Relating to Procedures for the Compulsory Acquisition of Land</i>, issued by the Department for Communities and Local Government in September 2013 (the CA Guidance) requires an applicant to demonstrate to the Secretary of State's satisfaction that all reasonable alternatives to compulsory acquisition, including modifications to the scheme, have been explored. Paragraph 8 also requires the consideration of proportionality, which is dealt with in the Applicant's responses to the Authority's questions 5.011 and 5.013 below.</p> <p>In addition, an Applicant has to demonstrate that land is required for a legitimate purpose and is necessary. The inclusion of the Scheme in Road Investment Strategy 2 (RIS 2) clearly shows that the principles underlying the Scheme are for a legitimate purpose. The Applicant is the licensed operator of the strategic road network in England and is the appropriate person to pursue schemes for improving the SRN. It is clear therefore that the proposed interference with the rights of those with an interest in land is for a legitimate purpose. The exact purpose for each plot is detailed in <b>Annex A</b> of the Applicant's <b>Statement of Reasons (4.1, Rev 2)</b>.</p> <p>The power of compulsory acquisition is necessary on the basis that it is very unlikely that all of the required interests in land will become available to the Applicant through negotiation. It cannot reasonably be anticipated that every owner of an interest included in the order land will agree to the acquisition of their land for the stated purposes in a reasonable time scale. Some holders of required interests in land could not be identified after diligent inquiry and therefore some form of expropriation will always be required to ensure that the Scheme can be delivered within an appropriate timescale. Despite overwhelming justification for expropriation powers to be sought, the Applicant continues to seek to pursue negotiated agreements for the acquisition of land where possible and has instructed the District Valuer Services and Ardent to pursue negotiations with the principal land owners.</p>		

On this basis, it can be seen as a general proposition that reasonable alternatives to compulsory acquisition cannot be anticipated to lead to comprehensive land assembly of the scale required, within a reasonably certain timescale.

In addition to this before a decision was made to proceed with the Scheme, the Applicant explored and assessed many alternative solutions and routes. These are described in **Section 2.2** and **2.3** of the **Case for the Scheme (7.1, Rev 1)**, and **Chapter 3 (Assessment of Alternatives)** of the **Environmental Statement (ES) (6.1, APP-044)**. The Applicant provides summary of how alternatives have been considered at **Section 5.5** of the **Statement of Reasons (4.1, Rev 2)**.

The Scheme has evolved through consultations, negotiation and discussion with a range of Interested Parties and Affected Persons. **Section 5.5** of the **Statement of Reasons (4.1, Rev 2)** explains that following public consultation, the Applicant selected the most appropriate option. This selection took into account various factors, including, amongst others, views of consultees including persons with an interest in land. Other factors included environmental impacts, meeting the objectives of the Scheme, affordability, value-for money, safety and construction and operational considerations. None of the alternatives or modifications considered would obviate the need for the compulsory acquisition and temporary possession of land. The Applicant has been undertaking negotiations to acquire land and rights by agreement. This process is explained in **Paragraphs 5.7.1** to **5.7.2** of the **Statement of Reasons (4.1, Rev 2)**. The situation in respect of those negotiations is detailed in the Applicant's updated **Annex B** of the **Statement of Reasons (4.1, Rev 2)**.

The **Article 32** of the **draft Development Consent Order (3.1, Rev 2)**, facilitates the Applicant's ability to be flexible in order to minimise, so far as is possible, the extent of interests to be acquired, with less impact upon landowners. **Paragraph 4.129** in the **Explanatory Memorandum (3.2, APP-020)** explains that it is considered to be in the public interest to provide this flexibility. In addition, **Article 27** of the **draft Development Consent Order (3.1, Rev 2)**, allows for rights over land to be acquired as well as (or instead of) the land itself. This would allow the Applicant, if appropriate, to reduce the area of outright acquisition and rely on the creation and acquisition of new rights instead, as explained in **Paragraph 4.98** of the **Explanatory Memorandum (APP-023)**.

ExQ1

Question to:

Question:



Q7.1.18		<p>The SoR [APP-022], section 5.5, refers to the non-statutory consultation, between January and February 2018, and the statutory consultation in summer 2021, and the selection of the preferred route and subsequent design changes.</p> <p>Please explain what, if any, account has been taken of responses to pre-application consultation (both in relation to statutory and non-statutory consultation) in the location, route, and design of the scheme in considering whether there are reasonable alternatives to CA. Please provide further details of the examples given in section 5.5 and the Consultation Report [APP-025], highlighting the instances examples of location/route changes and changes to design development options which resulted in reduced land-take within the application scheme in response to public consultation.</p>
<b>Applicant Response</b>		
<p><b>Appendix D.3 (2018 Non-Statutory Consultation)</b> of the <b>Consultation Report (5.1, APP-030)</b> outlines that 35% of respondents to the 2018 non-statutory consultation raised concern over the land take from the South Downs National Park. As detailed in the <b>Appendix D.7 (2018 Non-Statutory Consultation)</b> of the <b>Consultation Report (5.1, APP-030)</b>, the Applicant addressed this concern by stating that they would work with the South Downs National Park to minimise impacts during subsequent stages and provide suitable appeasement.</p> <p><b>Appendix E of Appendix 3.2 (Scheme Assessment Report)</b> of the <b>ES (6.3, APP-081)</b> includes departures from standards the Applicant considered to the A34 and M3 Northbound on slip to save land take in the refinement of the design of Option 14. Option 14 was the recommended route to be progressed to Preliminary Design.</p> <p>When asked about the proposed deposition areas at the 2021 statutory consultation, respondents to the questionnaire did not show a strong preference towards a particular location for placing spare spoil. As a result, the Applicant investigated alternative solutions for soil management, resulting in the deposition areas being removed from the Scheme. Hence, reducing the Application Boundary and the need for Compulsory Acquisition. This is summarised in <b>Table 12.10</b> of the <b>Consultation Report (5.1, APP-025)</b>.</p>		

Further design changes affecting Compulsory Acquisition that resulted from the 2021 statutory consultation relate to construction compounds. As detailed in **Figure 12.13** in the **Consultation Report (5.1, APP-025)**, feedback from the public showed no strong preference towards a location for the temporary construction compound, however, the Application considered the potential impacts of the locations of the construction compounds in relation to carbon emissions resulting in a reduction to land take.

Another design change the Applicant took to reduce land take following feedback from the 2021 statutory consultation was to remove parts of the A34 northbound and A34 southbound from the Application Boundary. This removed land, namely the Winnall Moors Nature Reserve, from the Application Boundary. **Paragraph 12.4.31** of the **Consultation Report (5.1, APP-025)** highlights that the Compulsory Acquisition of parts of the Winnall Moors Nature Reserve were a concern to over 25% of respondents to the questionnaire at the 2021 statutory consultation.

ExQ1	Question to:	Question:
Q7.1.19	Whether adequate funding is likely to be available The Applicant	In the light of the CA Guidance, paragraph 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following any DCO being made?

**Applicant Response**

In accordance with National Highways' cost-estimating process, compulsory acquisition costs are calculated for National Highways by the Valuation Office Agency (VOA). The Valuation Office Agency provides an external RICS registered valuer to undertake robust land valuations, incorporating compulsory acquisition costs, which are subsequently used by National Highways for including within scheme cost estimates.

The M3 Junction 9 scheme has a most likely estimate of £215m which includes the Valuation Office Agency estimate of compulsory acquisition costs. Once the Development Consent Order is made, internal governance processes will be completed

to provide access to the portion of the £215m associated with compulsory acquisition and construction allowing payments to be made. This will take place within the statutory period following the Development Consent Order being made.

The M3 Junction 9 Scheme estimate forms part of the Government's Road Investment Strategy 2 which commits £27.4 billion to improving the Strategic Road Network (SRN). The investment in the M3 Junction 9, including costs associated with compulsory acquisition, is therefore secured and can be drawn on at the appropriate time.

ExQ1	Question to:	Question:
Q7.1.20	Whether adequate funding is likely to be available The Applicant	Please summarise the evidence relied upon to support the conclusion that there is a reasonable prospect that the scheme, if granted consent, would actually be taken forward and in what time period?

### Applicant Response

The **Funding Statement (4.2, APP-023)** sets out the Government support for the Scheme. The Scheme has full commitment as it is included in the Government's Road Investment Strategy 2 report as well as the National Highways Delivery Plan. The Delivery Plan commits National Highways to open the scheme for traffic during Roads Period 3 (2025-2030).

National Highways has also made public commitments to deliver the Scheme as part of consultations and engagement events.

This Scheme has support and will be taken forward should consent be granted.

ExQ1	Question to:	Question:
Q7.1.21	Whether adequate funding is likely to be available The Applicant	The Funding Statement,[APP-023], indicates that the scheme has a most-likely estimate of £215 million to cover all costs to deliver the Scheme from Options stages through to the opening for traffic. This estimate includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the TP and use of land. It also takes

		<p>into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the Planning Act 2008.</p> <ul style="list-style-type: none"> <li>▪ How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy?</li> <li>▪ Whilst the Funding Statement indicates that the costs of meeting any valid blight claim will be met by the Applicant, please confirm that the resource implications of a possible acquisition resulting from a blight notice have been taken account of in the overall cost estimate.</li> </ul>
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### Applicant Response

The £215m cost estimate for the M3 Junction 9 scheme was produced by the Commercial Services Division of National Highways using industry standard methods and techniques drawing on the principles of the HM Treasury Green Book.

The cost estimate was built up using historic scheme costs, land costs provided by the Valuation Office Agency, direct and indirect costs of construction and makes allowances for statutory undertaker costs, risk, non-recoverable VAT and inflation.

A three-point range estimate was calculated providing the plausible minimum, plausible maximum and most likely cost estimate for the scheme. The £215m cost estimate represents the most likely scheme cost and is considered accurate.

In accordance with National Highways cost-estimating process, lands costs are calculated for National Highways by the Valuation Office Agency (VOA). The Valuation Office Agency provides an external RICS registered valuer to undertake robust land valuations, used by National Highways for including within scheme cost estimates. The estimate reflects the cost of any advance acquisitions (statutory blight or discretionary purchases), acquisitions following the exercise of compulsory powers and of compensating landowners from whom no land is taken but are affected by diminution in the value of their property by the subsequent use of the road once complete. The estimate includes all heads of claim including, where appropriate, market value of land taken, severance and injurious affection to retained land and compensation for disturbance (including reasonable fees)

plus statutory loss payments. The estimate is reviewed on a six-monthly basis and reviews the best/worst/most likely position to ensure that the anticipated costs remain within budget. Part of that process involves identifying property that will be on the line of the proposed route and where we might expect the owner to submit a blight notice. The value of that property will be assessed and included in the land cost estimate.

In the case of the M3 Junction 9 scheme, it has been assumed that no blight notices will be received and on that basis, there is no allocation for blight in our land cost estimate. However, there is a potential for blight notices to be issued and this has been included within the risk element of the Scheme, and incorporated within the £215m.

ExQ1	Question to:	Question:
Q7.1.22	Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected The Applicant	What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?

### Applicant Response

The Applicant is not aware of any existing use of land required for the Scheme that is of a particularly sensitive nature that the loss of the property cannot be adequately financially compensated.

As detailed in **Chapter 7** of the **Statement of Reasons (4.1, Rev 2)** the Applicant has considered those situations where the existing use might have an elevated importance when assessing whether any interference would be justified. The Applicant

found that there was no Crown land, special category land, or National Trust land to be acquired by the Scheme. There are no residential properties being acquired.

Where the land is currently used by statutory undertakers in pursuance of their undertaking, and the Applicant notes that Section 127(3) of the Planning Act 2008 provides that a Development Consent Order may only authorise the compulsory acquisition of statutory undertakers' land where there is an extant representation made by the statutory undertaker objecting to the acquisition if the SoS is satisfied that:

- The land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- If purchased, the land can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking

The Applicant has provided its full reasoning in **Chapter 7** of the **Statement of Reasons (4.1, Rev 2)** as to why interference with statutory undertakers land is necessary and justified.

ExQ1	Question to:	Question:
Q7.1.23	Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected The Applicant	<p>The SoR [APP-022], paragraph 6.2.1, acknowledges that the Scheme may have an impact on individuals. Paragraph 6.2.2 refers to both Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights in the context of the exercise powers of CA sought through the draft DCO. Whilst it is stated that no commercial buildings or residential properties are being acquired as part of the Scheme:</p> <ul style="list-style-type: none"> <li>▪ Please identify all those properties where it is anticipated that Article 8 rights may be a relevant consideration and indicate whether any agreement has been reached with those owners/occupiers affected in this way?</li> <li>▪ Please explain separately for each property the necessity and justification for seeking the application of CA or TP powers and how that would comply with Article 8?</li> </ul>

## Applicant Response

The Applicant considers that interference with Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights may be a relevant consideration to all of the land identified in **Annex A** of the **Statement of Reasons (4.1, Rev 2)**. The Applicant's updated **Annex B** of the **Statement of Reasons (4.1, Rev 2)** provides a summary of the status of negotiations with parties who have an interest in the land affected by the Scheme.

The need for and benefits of the Scheme are set out within the **Statement of Reasons (4.1, Rev 2)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a strong and compelling case in the public interest for the scheme to be delivered which means that any interference with human rights would be proportionate and justified.

The land identified as being required for the Scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme. The purpose for which each plot of land is required is set out within **Annex A** of the **Statement of Reasons (4.1, Rev 2)**.

During the Scheme's development, each plot has been reviewed individually in order to challenge the proposed land take and allow refinement where possible to reduce land required. This plot-by-plot review included consideration of:

- The requirement for land take and extent to which the plot was required. This included design alterations in consultation with affected persons to ensure that only land necessary for the Scheme was included within the Order limits, and wherever possible, the Scheme allowed for the continued use of wider land holdings.
- Review of the land use and ownership of land in order to consider the impacts of including that land within the Scheme, both in terms of ownership and any business impacts.
- Review of areas and amendments to ensure, where possible and appropriate, land take follows existing boundaries / ownerships.
- Efforts to reduce severance and design changes to ensure no inaccessible or unworkable areas of land exist post construction of the scheme.

Consideration was also given to reasonable alternatives. Further details of the reasonable alternatives assessed can be found in **Chapter 3 (Assessment of Alternatives)** of the **Environmental Statement (ES) (6.1, Rev 1)**.

As a result of the above proportionality tests and review / challenge process which balanced the requirement for individual plots against the anticipated impacts, the Applicant is satisfied that the powers of compulsory acquisition and possession sought through the **draft Development Consent Order (3.1, APP-019)** are necessary, proportionate, and justified.

ExQ1	Question to:	Question:
Q7.1.24	Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected The Applicant	The SoR [APP-022], paragraph, states that the Applicant has carefully considered the balance to be struck between individual rights and the wider public interest.  Please explain more precisely the factors which have been placed in the balance (including references to any paragraphs of the relevant NPS and Government Guidance), the weight attributed to those factors and how this exercise has actually been undertaken?

### Applicant Response

The Applicant notes that no paragraph reference has been provided to indicate the location in the **Statement of Reasons (4.1, Rev 2)** relevant to this question.

**Section 5.4** of the **Statement of Reasons (4.1, Rev 2)** sets out that the Applicant is satisfied that the conditions in section 122 of the Planning Act 2008 (the Act) are met and that tests within the Compulsory Acquisition Guidance are satisfied, and there is a compelling case in the public interest for the Compulsory Acquisition identified as necessary to deliver the Scheme.



All of the land subject to compulsory acquisition and temporary possession is necessary to construct, operate, maintain and mitigate the Scheme and the Applicant believes that the extent of land sought is proportionate and reasonable.

The Applicant has had regard to the requirement in section 122(3) of the Act and the factors which evidence the compelling case where public benefit derived from the compulsory acquisition outweigh the private loss of those whose land is affected. This is demonstrated within the following application documents:

- **Case for the Scheme (7.1, Rev 1),**
- **Statement of Reasons (4.1, Rev 2)**
- **Funding Statement (4.2, APP-023)**

Paragraph 2.10 of the *National Policy Statement for National Networks (NPSNN)* outlines that the Government has concluded that at a strategic level there is a compelling need for development on the national networks – both as individual networks and as an integrated system. It goes on to say that the Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by the *National Policy Statement for National Networks (NPSNN)*, on that basis.

The documents referred to above also demonstrate how the conclusion that there is a compelling case in the public interest has been reached, and how the balancing exercise has been carried out.

The documents referred to above demonstrate that interference with human rights would be proportionate and justified. The need for and benefits of the Scheme are set out within the **Statement of Reasons (4.1, Rev 2)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a very strong and compelling case in the public interest for the Scheme to be delivered.

The land identified as being required for the Scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme. The purpose for which each plot of land is required is set out within **Annex A** of the **Statement of Reasons (4.1, Rev 2)**.

During the Scheme's development, each plot has been reviewed individually in order to challenge the proposed land take and allow refinement where possible to reduce land required. This plot-by-plot review included consideration of:

- The requirement for land take and extent to which the plot was required. This included design alterations in consultation with affected persons to ensure that only land necessary for the Scheme was included within the Order limits, and wherever possible, the scheme allowed for the continued use of wider land holdings.
- Review of the land use and ownership of land in order to consider the impacts of including that land within the Scheme, both in terms of ownership and any business impacts.
- Review of areas and amendments to ensure, wherever appropriate and possible, land take follows existing boundaries / ownerships.
- Efforts to reduce severance and design changes to ensure no inaccessible or unworkable areas of land exist post construction of the Scheme.

As a result of the above proportionality tests and review / challenge process which balanced the requirement for individual plots against the anticipated impacts, the Applicant is satisfied that the powers of compulsory acquisition and possession sought through the **draft Development Consent Order (3.1, Rev 2)** are necessary, proportionate, and justified.

ExQ1	Question to:	Question:
Q7.1.25	Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected The Applicant	The SoR [APP-022], paragraph, states that to the extent that the DCO would affect individuals' rights, the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest. <ul style="list-style-type: none"> <li>▪ How has the proportionality test been undertaken?</li> <li>▪ Explain further the proportionate approach which has been taken in relation to each plot?</li> </ul>

## Applicant Response

The Applicant notes that no paragraph reference has been provided to indicate the location in the SoR relevant to this question.

All of the land subject to compulsory acquisition and temporary possession is necessary to construct, operate, maintain and mitigate the Scheme and the Applicant believes that the extent of land sought is proportionate and reasonable.

The Applicant has had regard to the requirement in section 122(3) of the Act and the factors which evidence the compelling case where public benefit derived from the compulsory acquisition outweigh the private loss of those whose land is affected. This is demonstrated within the following application documents:

- **Case for the Scheme (7.1, Rev 1)**
- **Statement of Reasons (4.1, Rev 2)**
- **Funding Statement (4.2, APP-023)**

Paragraph 2.10 of the *National Policy Statement for National Networks (NPSNN)* outlines that the Government has concluded that at a strategic level there is a compelling need for development on the national networks – both as individual networks and as an integrated system. It goes on to say that the Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by the NPSNN on that basis.

The documents referred to above also demonstrate conclusion that there is a compelling case in the public interest has been reached, and how the balancing exercise has been carried out.

The documents referred to above demonstrate that interference with human rights would be proportionate and justified. The need for and benefits of the Scheme are set out within the **Statement of Reasons (4.1, Rev 2)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a very strong and compelling case in the public interest for the Scheme to be delivered.

The land identified as being required for the Scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme. The purpose for which each plot of land is required is set out within **Annex A** of the **Statement of Reasons (4.1, Rev 2)**.

During the Scheme's development, each plot has been reviewed individually in order to challenge the proposed land take and allow refinement where possible to reduce land required. This plot-by-plot review included consideration of:

- The requirement for land take and extent to which the plot was required. This included design alterations in consultation with affected persons to ensure that only land necessary for the Scheme was included within the Order limits, and wherever possible, the scheme allowed for the continued use of wider land holdings.
- Review of the land use and ownership of land in order to consider the impacts of including that land within the Scheme, both in terms of ownership and any business impacts.
- Review of areas and amendments to ensure, wherever appropriate and possible, land take follows existing boundaries / ownerships.
- Efforts to reduce severance and design changes to ensure no inaccessible or unworkable areas of land exist post construction of the Scheme.

As a result of the above proportionality tests and review / challenge process which balanced the requirement for individual plots against the anticipated impacts, the Applicant is satisfied that the powers of compulsory acquisition and possession sought through the **draft Development Consent Order (3.1, Rev 2)** are necessary, proportionate, and justified.

ExQ1	Question to:	Question:
Q7.1.26	Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of	In relation to the Applicant's duties under section 149 of the Equalities Act 2010: <ul style="list-style-type: none"> <li>▪ Please explain how the Applicant has had regard to its public sector equality duty in relation to the powers of CA sought and where this can be identified in the Equalities Impact Assessment [APP-167];</li> <li>▪ Have any Affected Persons been identified as having protected characteristics?</li> </ul>

	those with an interest in the land affected The Applicant	
<b>Applicant Response</b>		
<p>The Applicant has set out in <b>Section 6.4</b> of its <b>Statement of Reasons (4.1, Rev 2)</b> that it has complied with its duties under section 149 of the Equality Act 2010. The Applicant has conducted an <b>Equality Impact Assessment (7.14, APP-167)</b> which explains that the Applicant has used their 'Equality, Diversity and Inclusion sifting Tool (EDIT)' to complete the Equality Impact Assessment (7.14, APP-167). <b>Section 7</b> of the <b>Equality Impact Assessment (7.14, APP-167)</b> provides additional information on the process of the assessment during the Scheme development.</p> <p>Each project within National Highways' Major Projects directorate has to go through the project life cycle. The life cycle of a Major Project begins at Stage 1 (Option Identification) and ends at Stage 7 (Closeout). The Project Control Framework (PCF) is the electronic manual for the Major Projects directorate and sets out who needs to do what and when to deliver a successful road project in a consistent and controlled manner throughout the project lifecycle. Equality impacts are considered from PCF Stage 1 (Options Identification) throughout the PCF process including at PCF stage 3 Preliminary Design stage (this stage). The <i>Equality, Diversity and Inclusion sifting Tool</i> (EDIT) is used as part of the process and is designed to help National Highways project managers, designers and engineers make an informed decision about how equality issues relate to their scheme. The updated EDIT tool for the Scheme at PCF Stage 3 is contained in <b>Appendix A</b> of the <b>Equality Impact Assessment (7.14, APP-167)</b>.</p> <p>The EDIT tool has been designed to make evidence-based and informed decisions about infrastructure projects, supporting the appropriate consideration of equality, diversion and inclusion issues in project design and development. The EDIT tool has been an accepted means of assessment on other Nationally Significant Infrastructure Projects (NSIPs) including the A417 (Missing Link) Development Consent Order 2022.</p> <p>The Applicant is aware of affected persons with protected characteristics and is taking steps to engage with them.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q7.1.27	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	Please confirm that the BoR [APP-024] accurately set out the various plots and interests. Please identify any inaccuracies that have come to light since the submission of the application and any further updates that need to be made at this stage.
<b>Applicant Response</b>		
<p>The Applicant has undertaken a thorough land referencing process through the pre-application period of the Scheme to ensure that all land within the Scheme has been accurately parcelled into plots with their relevant interests captured correctly. Throughout the project the Applicant has ensured this information is kept up to date by following the land referencing methodology which seeks to identify land interests as described in <b>Section 4.4</b> of the <b>Statement of Reasons (4.1, Rev 2)</b>.</p> <p>Any changes in interests that are identified since the submission will be passed through to the land referencing team to update the <b>Book of Reference (4.3, Rev 2)</b>, <b>Land Plans (2.2, APP-006)</b> and <b>Schedule of Changes to the Book of Reference (Document Reference 4.4)</b> accordingly. The Applicant will continue to review the Land Registry and any changes to interests through the use of Edition Date Checks, Search of the Index Map (SIM) and address verification tools (TracelQ, Companies House, etc.).</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q7.1.28	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	<p>The SoR [APP-022], paragraph 4.4.1 and 4.4.3, states that diligent inquiry to identify all persons with an interest in land and diligent inquiry to identify affected landowners and occupiers, those with another type of interest in land and those with a potential claim was undertaken by the Applicant's expert land referencing supplier. The process is described in the BoR [APP-024].</p> <ul style="list-style-type: none"> <li>▪ Please comment on the reliability and accuracy of the BoR in the light of those inquiries.</li> <li>▪ Please provide further details of the process for identifying Category 3 persons.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Explain why that process overall should be regarded as a conservative approach towards identifying Category 3 persons and why the inclusion of only those who may experience a perceptible increase in noise of 3 decibel or greater from the existing background noise level to the predicted noise level represents a precautionary approach?</li> </ul>
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**Applicant Response**

The Applicant has undertaken a thorough land referencing process through the pre-application period of the Scheme to ensure that all affected parties are identified, consulted and listed where necessary in the **Book of Reference (4.3, Rev 2)**. The land referencing methodology used to identify affected parties with an interest in land are described in **Section 4.4 of the Statement of Reasons (4.1, Rev 2)**.

This methodology was utilised to ensure diligent inquiry was undertaken in the identification process, as required under section 44 of the Planning Act 2008. The accuracy of the affected parties found is underpinned by the fact that many sources of information have been used to ensure diligent inquiry is undertaken. This includes, but not limited to, access to public records (HM Land Registry, Companies House, local highway records) and through contact referencing by way of land interest questionnaires and confirmation schedules.

The Applicant undertook a desk-based assessment on land and property in close proximity to the Application Boundary to examine the possibility of a decrease due to physical interference with some legal right, due to the construction or operation of the Scheme. The Applicant's land referencing team were also provided with guidance from environmental specialists involved in the compilation of the **Environmental Statement (ES) (6.1-6.3, APP-042 - APP-153)**. This guidance was based on the topography of the land and the likely significant effects arising from the Scheme. For example, the noise assessments considered information available at the time regarding: background noise levels; and distance to receptors.

Professional judgement was used to ascertain whether a person may be able to make a relevant claim for compensation as a result of a reduction in value of their property as a result of the use of the Scheme caused by physical factors under Section 57(4) of the Planning Act 2008, based on a worse-case assessment. Following guidance from environmental specialists and the District Valuer, a precautionary approach was adopted to only include those who may experience a perceptible increase in

noise of 3 decibel or greater from the existing background noise level to the predicted noise level. In order to accurately identify these people the Applicant followed the land referencing methodology used to identify affected parties as described in the **Consultation Report (5.1, APP-025)**. The Applicant has based the noise modelling criteria on an increase of 3 decibels or greater, as it is commonly accepted that a human ear can barely detect a noise increase below this threshold.

ExQ1	Question to:	Question:
Q7.1.29	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to the land interests, including the identification of further owners/interests or monitoring and update of changes in interests?

#### Applicant Response

The Applicant has undertaken a thorough land referencing process through the pre-application period of the Scheme to ensure that all affected parties are identified, consulted and listed where necessary in the **Book of Reference (4.3, Rev 2)**. The categories of affected parties identified and the land referencing methodology used to identify affected parties with an interest in land are described in **Section 4.4** of the **Statement of Reasons (4.1, Rev 2)**.

This methodology was utilised to ensure diligent inquiry was undertaken in the identification process, as required under section 44 of the Planning Act 2008. The accuracy of the affected parties found is underpinned by the fact that many sources of information have been used to ensure diligent inquiry is undertaken. This includes, but not limited to, access to public records (HM Land Registry, Companies House, local highway records) and through contact referencing by way of land interest questionnaires and confirmation schedules. As the proposed scheme has evolved through several rounds of formal and informal consultation, the refresh of landowner information has been undertaken as necessary ahead of each of the consultation rounds and shortly before the Development Consent Order application. This has been undertaken through the use of Edition Date Checks, Search of the Index Map (SIM) and address verification tools (TracelQ, Companies House, etc). New parties found ahead of submission were made aware of the current project stage by issuing a Section 42 and a land interest questionnaire. Existing parties identified as having an additional interest were issued a Section 42.



As ownership of land is fluid and affected interests can change over time, it is likely a number of changes will occur (including identification of new parties or updates to existing parties' details). A live updated version of the **Book of Reference (4.3, Rev 2)** is being maintained by the Applicant alongside a **Schedule of Changes to the Book of Reference (Document Reference 4.4)**, both of which will be submitted at Deadline 2.

The Applicant is continuing to engage with affected parties through its appointed Land Agents. Any changes in interests that are identified will be passed through to the land referencing team to update the Book of Reference accordingly. The Applicant will continue to review the Land Registry and any changes to interests through the use of Edition Date Checks, Search of the Index Map (SIM) and address verification tools (TraceIQ, Companies House, etc.). These will be shown in updated versions of the **Book of Reference (4.3, Rev 2)** and **Land Plans (2.2, APP-006)** as required/requested through the Examination process.

ExQ1	Question to:	Question:
Q7.1.30	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	Explain how the BoR [APP-024] complies with the guidance published by the former Department for Communities and Local Government – Planning Act 2008: Guidance related to procedures for the compulsory acquisition for land Annex D, paragraph 10?

### Applicant Response

Annex D, paragraph 10 of the former *Department for Communities and Local Government – Planning Act 2008: Guidance related to procedures for the compulsory acquisition for land* states: 'Where it is proposed to create and acquire new rights compulsorily they should be clearly identified. The Book of Reference should also cross-refer to the relevant articles contained in the draft Development Consent Order'.

**Part 1** of the **Book of Reference (4.3, Rev 2)** lists the proposed 'extent of acquisition or use' alongside each plot. **Section 3, Table 3.1** of the **Book of Reference (4.3, Rev 2)** lists the proposed Principal land use power sought and corresponds each to the Principal relevant Development Consent Order Article as contained in the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
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Q7.1.31	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	Please explain how the proposed new rights and restrictive covenants have been identified in the BoR [APP-024] and cross-referenced to the relevant draft DCO articles?
<b>Applicant Response</b>		
<p>The purpose of the <b>Book of Reference (4.3, Rev 2)</b> is to capture the land and rights to be acquired and the purpose for acquisition. The Applicant is only proposing to acquire rights in isolation at plot 6/5. The <b>Book of Reference (4.3, Rev 2)</b> sets out that the rights to be acquired permanently are to access, construct, maintain and repair overhead electricity cables and associated apparatus. These rights are secured in plot 6/5 in <b>Schedule 5</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> under column 2. <b>Annex A</b> of the <b>Statement of Reasons (4.1, Rev 2)</b> clarifies in relation to the works plans that this plot will be required for the diversion of approximately 269 metres in length of power cables.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q7.1.32	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	<p>The SoR [APP-022] Table 4.1 sets out the parcels of land in unknown ownership.</p> <p>Please confirm that this represents an up to date list of those plots of land where ownership still remains unknown and indicate whether and, if so, what further steps are intended to be carried out to ascertain the ownership of these unregistered parcels of land?</p>
<b>Applicant Response</b>		
<p>The Applicant has undertaken a thorough land referencing process through the pre-application period of the proposed scheme to ensure that all registered titles were identified. In doing so, land that is unregistered becomes clear. The land referencing methodology used to investigate ownership of unregistered land, as detailed in <b>Section 4.5</b> of the <b>Statement of Reasons (4.1, Rev 2)</b>, describes the steps that were followed. This included visiting and inspecting the land where accessible to ascertain the presence of an interest and the erection of the site notices on, or in the vicinity, of the unregistered land, inviting persons to</p>		

contact the Applicant and its land agents. The Applicant understands that the majority of the unregistered land in the Scheme is public highway, as such the likelihood is the 'owner' will be the Applicant or the local authority.

The list was up to date as at the time of submission, the Applicant will continue to review the Land Registry and any changes to ownership or registered title information that are found through the use of Search of the Index Map (SIM) and historical title checks within the Land Registry will be shown in updated versions of the **Book of Reference (4.3, Rev 2)** and **Land Plans (2.2, APP-006)** as required/requested through the Examination process.

ExQ1	Question to:	Question:
Q7.1.34	The acquisition of Statutory Undertakers' land – s127 PA2008The Applicant	<p>The SoR [APP-022], paragraph 7.4.5, states that adequate protection for statutory undertakers' assets will be included within the protective provisions in the draft DCO and/or in asset protection agreements between the Applicant and the undertaker. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of the land or as a result of the acquisition of rights over land.</p> <ul style="list-style-type: none"> <li>▪ Have any Protective Provisions and/or asset protective agreements between the various parties been agreed. If not, please identify any outstanding areas of disagreement?</li> <li>▪ For each Statutory Undertakers, please explain why the protective provisions set out in Parts 1 and 2 of the relevant draft DCO schedule are considered to provide adequate protection and why the Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking.</li> <li>▪ For each of the Statutory Undertakers listed in the SoR Annex C please indicate the nature and purpose of the works to be carried out on their land and whether s127, 138 or both applies to the powers sought in respect of their interest.</li> </ul>

### Applicant Response

The Applicant is currently progressing Protective Provisions with Southern Gas Networks plc, Southern Water and the Environment Agency. The Applicant has not been approached to negotiate bespoke protective provisions with any other party to date. These are all at an early stage of negotiation and remain in draft. The Applicant does not wish to disclose outstanding areas of disagreement of a draft agreement with the ExA in order that the position of the parties can remain confidential until the provisions are agreed.

In terms of wider engagement, the Applicant does not have any formal Statement of Common Ground with Southern Gas Networks plc or Southern Water, but the current status of negotiations as regards land interests can be found at the Applicant's updated **Annex C** of the **Statement of Reasons (4.1, Rev 2)**. For an update as to the status of negotiations with the Environment Agency please see the Applicant's **Statements of Common Ground (Document Reference 7.12.4)** as submitted at Deadline 2.

The protective provisions for electricity, gas, water, and sewerage undertakers in Part 1 and for operators of the electronic communications code networks in Part 2 are on standard terms for National Highways Development Consent Orders. The Applicant is not aware that any concerns about the provisions in Part 1 or Part 2 have been raised by affected statutory undertakers other than those who the Applicant is already engaging with to negotiate bespoke protective provisions.

**Article 36** of the **draft Development Consent Order (3.1, Rev 2)** provides that the Applicant may acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belong to statutory undertakers; and extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land. Therefore, sections 127 and 138 of the *Planning Act 2008* apply in equal measure to all the interests listed in **Annex C** of the **Statement of Reasons (4.1, Rev 2)**, **Column 5** of **Annex C Statement of Reasons (4.1, Rev 2)** sets out the relevant plots where there is apparatus held by statutory undertakers. **Annex A** of the **Statement of Reasons (4.1, Rev 2)** sets out the extent of works in each plot.

ExQ1	Question to:	Question:
Q7.1.35	Other matters The Applicant	In the light of the CA Guidance, paragraph 19, please demonstrate: <ul style="list-style-type: none"> <li>▪ How potential risks or impediments to implementation of the scheme have been properly managed?</li> </ul>

		<ul style="list-style-type: none"> <li>The account taken of any other physical and legal matters pertaining to the application, including the need to obtain any operational and other consents applicable to this type of development.</li> </ul>
<b>Applicant Response</b>		
<p>Since submission of the <b>Consents and Agreements Position Statement (3.3, APP-021)</b> the Applicant has continued to engage with the relevant organisations where the <b>draft Development Consent Order (3.1, Rev 2)</b> is seeking to disapply legislation. These discussions have been positive, and the <b>Consents and Agreements Position Statement (3.3, APP-021)</b> have been updated to reflect the current position.</p> <p>The Applicant is progressing shadow licence applications with Natural England where appropriate.</p> <p>The Applicant maintain and internal risk register for the Scheme and actively manages any risks which arise. However, should the Development Consent Order be made the Applicant is not aware of any reason why it could not construct the Scheme.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q7.1.36	Other matters The Applicant	<p>The SoR [APP-022] section 7.6, refers to the Consents and Agreements Position Statement [APP-021] which identifies the other consents, licenses, permits and agreements that are required for the scheme to be implemented.</p> <p>Please indicate whether there are any changes to the status and/or timeframe for each consent, licence, permit, and agreement listed within that Statement since the application was submitted</p>
<b>Applicant Response</b>		
<p>A number of the consents listed in <b>Appendix A</b> of the <b>Consents and Agreements Position Statement (3.3, APP-021)</b> are prescribed in the <i>Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015</i> (a</p>		

Prescribed Consent). As a result, under Section 150 of the *Planning Act 2008*, the relevant consenting body must agree to the inclusion of these consents within the Development Consent Order.

The Applicant is currently engaging with the Environment Agency to determine whether the following consents can be included within the Development Consent Order. These are as follows:

- Water Discharge Activities – Permit to discharge to surface water and/or groundwater under Regulation 12 of the *Environmental Permitting (England and Wales) Regulations (2016)*.
- Water Abstraction Licence – Abstraction of water under sections 24 and 25 of the *Water Resources Act (1991)*.

ExQ1	Question to:	Question:
Q7.1.37	Other matters The Applicant	<p>The RR of Geoffrey Michael Fairris [RR-030] refers to his access rights along Long Walk/Fulling Mill Lane. The ExA notes that he is included in the BoR [APP-024] Part 1 as a Category 1 owner in respect of Plots 4/1c and 5/2d and in Part 2 as a Category 3 person:</p> <ul style="list-style-type: none"> <li>▪ Please explain the need for the powers sought in respect of this land and justification for any proposed interference with access rights for this land.</li> <li>▪ Whether a lesser or alternative area of land would meet those needs?</li> <li>▪ The consideration that has been given to the impact upon and the implications for the human rights of this individual in seeking these powers.</li> </ul>

### Applicant Response

The Applicant has detailed the need of acquisition at **Annex A** of the **Statement of Reasons (4.1, Rev 2)**. The land identified as being required for the Scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme.

Plot 4/1c is to be used temporarily as per the **Book of Reference (4.3, Rev 2)** and the **Statement of Reasons (4.1, Rev 2)** clarifies this is in relation to Work No.9 being the construction of a new footway / cycleway and horse-riding route (approximately 1390) metres in length) and associated drainage and landscaping features to connect Long Walk and Easton Lane. **Schedule 7** of the **draft Development Consent Order (3.1, Rev 2)** secures this possession and purpose.

Plot 5/2d is to be used temporarily as per the **Book of Reference (4.3, Rev 2)** and the **Statement of Reasons (4.1, Rev 2)** clarifies that the works associated with this plot are those associated with or ancillary to the construction, operation or maintenance of the Authorised Development. **Schedule 7** of the **draft Development Consent Order (3.1, Rev 2)** secures this possession and purpose.

The possession of these plots temporarily is the lowest interest which the Applicant can acquire. Mr Fairris' interest in this land is as presumed landowner of the subsoil of the unregistered highway and of access. The Applicant in its response to Relevant Representation RR-030 in **Response to the Relevant Representations (8.2, REP1-031)** submitted at Deadline 1 has confirmed that they will ensure that a safe means of access will be maintained throughout. The detail will be included within the detailed Traffic Management Plan.

The Applicant considers that interference with Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights will be a relevant consideration to all the land identified in **Annex A** of the **Statement of Reasons (4.1, Rev 2)**. The Applicant's updated **Annex B** of the **Statement of Reasons (4.1, Rev 2)** provides a summary of the status of negotiations with those parties. The Applicant's case as set out in the **Case for the Scheme (7.1, Rev 1)**, **Statement of Reasons (4.1, Rev 2)**, and **Funding Statement (4.2, APP-023)** demonstrate that interference with human rights would be proportionate and justified. The need for and benefits of the Scheme are set out within the **Statement of Reasons (4.1, Rev 2)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a very strong and compelling case in the public interest for the scheme to be delivered.

ExQ1	Question to:	Question:
Q7.1.39	Objections to the grant of powers of compulsory acquisition and	The RR of Jonathan William Muir [RR-053] refers to his need to access his land at Abbots Worthy via the gate adjoining the A33 while the works are being undertaken and when they are complete. The ExA notes that he is listed in the BoR [APP-024] Part 1 as a Category 2

	temporary possession The Applicant	<p>person in respect of rights of access in respect of Plot 3/2b and in Part 2 as a Category 3 person and also Part 3 in respect of the same plot.</p> <ul style="list-style-type: none"> <li>▪ Please explain the need for any powers sought in respect of this land justification for any proposed interference with rights of access to it.</li> <li>▪ Why can the ability to access this land from the A33 not be retained?</li> <li>▪ Whether a lesser or alternative area of land or point of access would meet those needs?</li> <li>▪ The consideration that has been given to impact upon the SSSI as a result of any interference and any implications for the human rights of this individual in seeking these powers.</li> </ul>
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### Applicant Response

The Applicant has detailed the need of acquisition at **Annex A** of the **Statement of Reasons (4.1, Rev 2)**. The land identified as being required for the scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme. The purpose for which each plot of land is required is set out within **Annex A** of the **Statement of Reasons (4.1, Rev 2)**.

Plot 3/2b is to be acquired permanently as per the **Book of Reference (4.3, Rev 2)** and the **Statement of Reasons (4.1, Rev 2)** clarifies this is in relation to Work No.s 1, 1b, 1c, 1d, and 2 which are set out below:

1. As shown on sheet nos. 3, 5 and 6 of the Works Plans and being the improvement and construction of the realignment of the northbound and southbound carriageways of the A33 between B3047 (London Road) / A33 junction and proposed A33 / M3 northbound on slip roundabout (approximately 1371 metres in length).

1b. The construction of a realigned central reserve on the A33, approximately 60m in length at the location shown on sheet 3 of the Works Plans



1c. The construction of a widened section of the A33 and reconfiguration to a two-way layout, approximately 190m in length at the location shown on sheet 3 of the Works Plans

1d. The construction of a realigned Taylor Maxwell Business Park egress to the A33 at the location shown on sheet 3 of the Works Plans

2. As shown on sheet nos. 3, 5, 6 and 7 of the Works Plans and being the construction of a footpath/cycle path route between B3047 (London Road/ A33 junction and M3 Junction 9 gyratory (approximately 2000m in length) including the construction of a footpath/ cycle path underpass (approximately 24 metres in length)

Acquisition of this land is secured by **Article 24** of the **draft Development Consent Order (3.1, Rev 2)**

During scheme development, each plot has been reviewed individually in order to challenge the proposed land take and allow refinement where possible to reduce land required. This plot-by-plot review included consideration of:

- The requirement for land take and extent to which the plot was required. This included design alterations in consultation with affected persons to ensure that only land necessary for the scheme was included within the Order limits, and wherever possible, the scheme allowed for the continued use of wider land holdings.
- Review of the land use and ownership of land in order to consider the impacts of including that land within the scheme, both in terms of ownership and any business impacts.
- Review of areas and amendments to ensure, wherever possible, land take follows existing boundaries / ownerships.
- Efforts to reduce severance and design changes to ensure no inaccessible or unworkable areas of land exist post construction of the scheme.

The Applicant considers that interference with Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights will be a relevant consideration to all the land identified in **Annex A** of the **Statement of Reasons (4.1, Rev 2)**. The Applicant's updated **Annex B** of the **Statement of Reasons (4.1, Rev 2)** provides a summary of the status of negotiations with those parties.

The Applicant's case as set out in the **Case for the Scheme (7.1, Rev 1) Statement of Reasons (4.1, Rev 2)** and **Funding Statement** (demonstrate that interference with human rights would be proportionate and justified. The need for and benefits of the scheme are set out within the **Statement of Reasons (4.1, Rev 2)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a very strong and compelling case in the public interest for the Scheme to be delivered.

The Applicant has responded to Relevant Representation RR-053 in **Response to the Relevant Representations (8.2, REP1-031)** submitted at Deadline 1 to confirm safe means of access will be maintained. The Applicant has responded to the consideration that has been given to impact on the Sites of Special Scientific Interest (SSSI) in its response to RR-053 in **Response to the Relevant Representations (8.2, REP1-031)**.

ExQ1	Question to:	Question:
Q7.1.42	Objections to the grant of powers of compulsory acquisition and temporary possession Addleshaw Goddard LLP on behalf of Southern Gas networks Plc (SGN)	The ExA notes that SGN will require appropriate protective provisions to be included within the Order to protect its statutory undertaking and to ensure that public safety is not compromised. Please indicate whether the protective provisions set out in the draft DCO Rev 1 Schedule 10 Part 1 for the protection of electricity, gas, water, and sewerage undertakers are agreed? If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.

### Applicant Response

The Applicant wishes to bring it to the attention of the ExA that discussions are currently ongoing between SGN and the Applicant to agree a set of protective provisions which would be acceptable to both parties.

ExQ1	Question to:	Question:
Q7.1.43	General The Applicant and Hampshire County Council	The Applicant is acquiring land permanently which, following completion, will form part of the local highway network not maintained by the Applicant.  Please clarify the future status of such land ownership over which highway will be maintained by the local highway authority and if agreement has been reached on this.
<b>Applicant Response</b>		
The Applicant's position is that it will seek to transfer land acquired permanently in connection with the scheme which forms part of the local highway, to the local highway authority. This position is still to be negotiated and agreed with the local highway authority. Land forming the local highway network will be maintained by the local highway authority and not by the applicant.		

## 2.8 Cumulative Impact

ExQ1	Question to:	Question:
Q8.1.1	Combined Effects The Applicant	The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.7.1, states that the assessment of combined effects on residential dwellings/residents identified a temporary significant effect at White Hill Cottage on Easton Lane. The proposed mitigation set out within the fiEMP [APP-156] includes the early planting of new woodland to the south of White Hill Cottage to help screen the works and the further mitigation set out in paragraph 15.7.6 for engagement to be undertaken with the occupant/owner of that property. However, for this particular receptor: <ul style="list-style-type: none"> <li>▪ Please explain why there are no more practicable and proportionate mitigation steps being proposed, such as the provision of noise insulation and screen fencing/acoustic barriers?</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Please provide further details of the proposed advance planting including its specification, extent, timing and maintenance and the means whereby this would be secured through the draft DCO?</li> <li>▪ Please justify the need for the extent of the land-take during construction and the acquisition of permanent rights at that particular location.</li> </ul>
<b>Applicant Response</b>		
<p>In combination effects on White Hill Cottage relate to noise and vibration, landscape and visual, and land take.</p> <p>There is potential for temporary significant adverse noise effects at White Hill Cottage on Easton Lane during the construction phase only. Using the significance matrices <b>Table 11.24</b> and <b>Table 11.26</b> in <b>Chapter 11 (Noise and Vibration)</b> of the <b>Environmental Statement (ES) (6.1, APP-052)</b>, during operation of the Scheme, it is demonstrated that White Hill Cottage will experience minor adverse effects during the day in the short term (operation year 1) and negligible effects during the night (operation year 1), as well as during the day and night in the long term (operation year 15).</p> <p>In accordance with Commitment NV1 in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>, a Noise and Vibration Management Plan will be prepared during detailed design. This will outline how construction noise and vibration will be managed, monitored and mitigated throughout the construction of the Scheme more generally and specifically at this property. Any specific mitigation measures which will be required would be identified at this stage which may include localised acoustic barriers. No part of the Scheme will start until this has been subject to stakeholder engagement and approved by Winchester City Council.</p> <p>For landscape and visual effects on White Hill Cottage, a commitment to the provision of advanced planting is set out in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>. At this location this includes areas of Woodland (Broadleaf) (LE2.1) and Native Scrub Planting (LE2.8), for plots as indicated on <b>Figure 2.3</b> in <b>Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))</b> of the <b>ES (6.2, Rev 1)</b>.</p>		

The definition of advanced planting is a commitment for the planting of proposed soft landscape elements to be undertaken at an early phase of the construction programme, with the aim of increasing the establishment phase for certain planting plots where there is an identified environmental benefit and / or opportunity as a result of construction phasing. Plots 008-27 and 008-28 will provide a visual screening function for White Hill Cottage.

**Appendix 7.6 (Outline Landscape and Ecology Management Plan)** of the **ES (6.3, APP-102)** includes suggested planting specifications and anticipated stock sizes for the range of landscape elements proposed. This includes the following for areas of proposed planting:

- Woodland (Broadleaf) (LE2.1); Nursery stock to be used: Trees (60% of total area), typically - 3% Heavy Standard, 5% Standard, 12% Feathered and 80% transplants (typically Bare Root (BRT) stock 40-60cm height). Shrubs (40% of total area), 100% transplants typically BRT stock 40-60cm height.
- Native Scrub Planting (LE2.8); Nursery stock to be used: Shrubs only, 100% transplants typically BRT stock 40-60cm height.

The preparation of the landscape design would be secured by **Requirement 5** of the **draft Development Consent Order (3.1, Rev 2)** which states that that *'no part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority'*.

Land take at White Hill Cottage is required during construction as SSEN will install a new termination pole and extending one span of overhead line. There is no need to remove any hedging in this area. Acquisition of permanent rights in this area is required for ongoing maintenance of the termination pole and overheads.

ExQ1	Question to:	Question:
Q8.1.2	ES assessment approach The Applicant	The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.3.35, explains that the significance of cumulative effects has been assessed qualitatively where quantified assessment was not possible. Where multiple effects of varying significance occurred on the same receptor, professional judgement has been used to determine the overall significance

		<p>of the effect ensuring that a worst case was also assumed. Please explain and give examples, where possible, to demonstrate that a worst case has been assumed in the exercise of professional judgement.</p>
<p><b>Applicant Response</b></p>		
<p>A worst case has been assumed in the exercise of professional judgement when assessing combined effects upon the South Downs National Park during operation (winter year 1).</p> <p><b>Table 1.2 of Appendix 7.3 (Schedule of Landscape Effects)</b> of the <b>ES (6.3, APP-099)</b> identifies that a significant moderate adverse effect would remain one year after the Scheme becomes operational.</p> <p>It is considered there would be on-going effects on South Downs National Park from several activities including: the small-scale illumination of the underpasses and two gantries; conversion of arable and pastoral farmland (a special quality) adjacent to the highway alignment to woodland, scrub and shrub planting and chalk grassland; small-scale loss of trees, scrub and shrubs, predominantly within the existing highways estate but also within the wider Application Boundary (which contribute to the special quality of a rich variety of habitats); small-scale changes arising from the presence of new gantries, vehicle management systems (VMS) and motorway signage; and small to medium-scale creation/realignment of roads and reconfiguration of the existing gyratory roundabout resulting in effects on the breath-taking views of special quality.</p> <p>The assessment also considers qualitative impacts on perceived tranquillity of the South Downs National Park during construction and operation. While the assessment is based on professional judgement, it is also informed by the noise modelling undertaken and reported in <b>Chapter 11 (Noise and Vibration)</b> of the <b>Environmental Statement (ES) (6.1, APP-052)</b>, published landscape characterisation work, and site surveys undertaken in 2020 and 2021.</p> <p>Vegetation losses would continue to be perceivable in the landscape and mitigation planting would not yet have been established, resulting in a slight increase in visibility of vehicles on the highway; and, in the worst case, increased audibility of traffic within areas of the South Downs National Park as reported in <b>Chapter 11 (Noise and Vibration)</b> of the <b>Environmental Statement (ES) (6.1, APP-052)</b>. These would however be localised effects with only negligible changes for the wider</p>		

designation, with some areas also experiencing reduction in traffic noise. In a worst case, overall, this would result in perceived decreases to tranquillity within the immediate environs to the Scheme.

Light levels would increase within the new underpasses, however due to the orientation of the underpass, the surrounding landform and landscape screening, the change will be very small scale, with obtrusive light limited to the surrounding environs. Additionally, it is reported that light levels would also increase due to the new gantry-mounted signage, with elevated light sources visible. However, sign luminance falls within guidelines and during the night-time environment is typically experienced in the context of Winnall industrial estate as a background lit feature and the M3 corridor with continually changing lit conditions from vehicle head/taillights. It is therefore considered that this would not alter the Environmental Light Zone (E2) in which the gantries are present. Furthermore, as the gantry-mounted illuminated signage is located outside the South Downs National Park boundary and meets the requirements of the *South Downs National Park Dark Skies Technical Advice Note (TAN)*, it is consequently not considered this would reduce the quality of dark night skies within the South Downs National Park.

There will be long term/permanent and beneficial changes to the local Public Rights of Way network through the creation of new walking, cycling and horse-riding routes and enhancement of existing routes to improve connectivity between the city of Winchester and the South Downs National Park. Overall, this will improve the amenity of the area and provide a positive contribution to the special quality of recreational activity.

Taking these factors together, professional judgement concluded that the combined cumulative effect of the Scheme during operation (winter year 1) is assessed as being Moderate Adverse.

ExQ1	Question to:	Question:
Q8.1.3	Combined Effects The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.6.29, concludes that the combined effect experienced by Worthy Park HPG during construction of the scheme is considered to be slight adverse and not significant.</p> <p>Please provide further justification and explanation for the combined effect conclusion in relation to this receptor.</p>

### Applicant Response

**Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)** identified a temporary slight adverse effect on Worthy Park Historic Park and Garden (HPG) due to the long-distance views of a small part of the main works between the A34 and M3. In general, the Scheme's construction activities are unlikely to be visually or audibly noticeable.

**Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** identified a slight adverse effect on the HPG as a result of long-distance views. **Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** notes that 'although Worthy Park is not formally designated and is no longer in its original state, the parkland still provides the setting for the Grade II\* house.' As a result, it is assigned a medium value. Similarly to the conclusion in **Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**, it was considered in **Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** that the Scheme would not materially alter the quality of the views or the Park's characteristics. A negligible magnitude of change was assigned, which when combined with a receptor of medium sensitivity, concludes that a slight adverse (not significant) effect is anticipated.

There is no standard industry guidance for assessing the significance of combined effects. Consequently, assessing the significance of combined effects is a qualitative process and based on professional judgement. Professional judgement was used to conclude that the combined effect on the HPG during construction is not anticipated to result in greater significance of effect than the individual topic assessments.

The assessment within **Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** assigns a higher receptor sensitivity to Worthy Park compared to the assessment undertaken in **Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**, but both assessments conclude the same level of effect. Given that construction activities are unlikely to be visually or audibly noticeable at Worthy Park, professional judgement has been used to determine that this would not lead to a greater level of significance than that reported.

ExQ1	Question to:	Question:
Q8.1.4	Combined Effects The Applicant	The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.5.43, concludes that the combined effect on the South Down National Park is not anticipated to be significant. The Table 15.2 criteria has been used to determine the significance of cumulative effects.



		Please provide further justification to support the view that the combined effect would not be significant with specific reference to the Table 15.2 criteria, identifying the role of professional judgment in this assessment.
<b>Applicant Response</b>		
<p><b>Table 15.2 of Chapter 15 (Cumulative Effects) of the Environmental Statement (ES) (6.1, APP- 056)</b> sets out the criteria used to determine the significance of cumulative effects with other developments. However it has not been used to determine the significance of combined effects, as there is no standard industry guidance assessing the significance of combined effects. The following explanation provides further justification to support the combined effect assessment.</p> <p>At fifteen years after opening, <b>Table 1.2 of Appendix 7.3 (Schedule of Landscape Effects) of the ES (6.3, APP-Rev 1)</b> identifies that the overall effect on the South Downs National Park is slight adverse (not significant).</p> <p>This is due to several factors including the growth and development of the proposed landscape planting. This would be well established by that time which would help to integrate the Scheme into the surrounding landscape. The visibility of the Scheme would be no greater than that of the pre-construction baseline when seen from higher elevations on the western edge of the South Downs National Park. When viewed from lower elevations, including from the new walking cycling and horse-riding routes, the visibility of the Scheme would be reduced. Where not hidden by intervening tree cover, gantries/VMS and signage would not form a notable feature in the landscape.</p> <p>Tranquillity was also assessed within the immediate environs of the Scheme and would be improved compared to that experienced at Year 1. Audibility of traffic would remain as reported at Year 1. However, following successful establishment of the proposed landscape mitigation (woodland, scrubland and linear belts of trees and shrubs), there would be less visibility of traffic from the accessible areas of the South Downs National Park leading to long term beneficial effects on tranquillity within the western part of the South Downs National Park.</p> <p>Light levels arising from traffic using the new junction arrangements (headlights and taillights) would be broadly similar to those experienced before the implementation of the Scheme, resulting in no discernible change. Illumination from the underpasses and gantry-mounted signage would continue and this would not affect the baseline Environmental Light Zones. Furthermore, as</p>		

the gantry mounted signage is located outside the South Downs National Park boundary and meets the requirements of the *Dark Skies TAN* it is not considered that this would reduce the quality of dark night skies.

There will also be ongoing beneficial and long term/permanent changes to the local Public Right of Way network. An improved walking cycling and horse-riding provision would improve as access to the South Downs National Park from Winchester, with these users able to experience areas of open downland with established created chalk grassland supporting creation of a rich variety of habitats and improving recreational engagement and physical and mental wellbeing.

At 15 years after the Scheme has opened, when considering impacts on the South Downs National Park in combination (landform, land take, lighting, tranquillity and noise), whilst it is considered that effects would occur, these would be localised and therefore result in a very small change on the South Downs National Park as a whole.

A '*negligible*' magnitude of impact under Section 3, part 3.4 of the Design Manual for Roads and Bridges (DMRB) LA 104 Environmental assessment and monitoring (Highways England, 2020) is described as '*very minor loss or detrimental alteration to one or more characteristics, features or elements*'. As noted above, there will be no discernible change to light levels and tranquillity, a walking cycling and horse-riding provision is anticipated to be improved, and visibility of the Scheme will remain at similar levels to the pre-construction situation at higher elevations or be reduced at lower elevations. Audibility will remain the same as at Year 1 or very slightly i.e. audibility of traffic could be increased in the worst-case. Using professional judgement and comparing the assessment results with the criteria in Section 3, part 3.4 of the Design Manual for Roads and Bridges (DMRB) LA 104 Environmental assessment and monitoring (Highways England, 2020) the resulting effect is considered to be not significant.

ExQ1	Question to:	Question:
Q8.1.5	Combined Effects The Applicant	The ES Chapter 15: Cumulative Effects [APP-056], in relation to the combined effect upon residential dwellings during construction for landscape and visual impact identifies a very large adverse effect at Easton Lane, and for noise and vibration identifies moderate adverse significant effects at residential receptors located at Easton Lane, St Mary's Close and London Road. The temporary moderate adverse significant combined effect at White Hill Cottage, located on Easton Lane is identified. However, for the avoidance of doubt, please confirm that

		all relevant residential properties have been assessed in relation to combined effects and that there are no other residential properties in these locations that would have the potential to experience significant adverse cumulative effects.
<b>Applicant Response</b>		
<p>All relevant residential properties have been assessed in relation to combined effects. The study area for the combined effects is defined by the study areas used in each of the environmental topics assessed within the <b>Environmental Statement (ES) (6.1-6.3, APP-042-APP-153)</b>.</p> <p>There will be no significant adverse combined effects upon other residential properties.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q8.1.6	Monitoring and mitigation The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], section 15.7, gives consideration to monitoring and mitigation, and paragraph 15.7.4 indicates that the assessment for combined effects on residential dwellings/residents is considered to be significant.</p> <p>Please provide further justification and reasons to support the view expressed that: “..it is not anticipated to result in a greater significance of effect than individual topic assessments”, and therefore no need for additional mitigation and monitoring for those properties over and above that identified in the individual topic assessments and set out within the fiEMP [APP-156].</p>
<b>Applicant Response</b>		
<p><b>Paragraph 15.7.4 of Chapter 15 (Cumulative Effects) of the Environmental Statement (ES) (6.1, APP-056)</b>, states ‘<i>Although the assessment for combined effects on residential dwellings / residents is considered to be significant, it is not anticipated to result in a greater significance of effect than individual topic assessments and therefore, the mitigation and monitoring identified in the individual topic assessments and set out within the first iteration Environmental Management Plan (fiEMP) (Document Reference 7.3) is considered appropriate</i>’.</p>		

**Paragraphs 15.5.44 – 15.5.48 of Chapter 15 (Cumulative Effects) of the Environmental Statement (ES) (6.1, APP-056)**, set out the combined assessment of effects on residential dwellings during construction. This concludes that there will be a temporary significant combined effect at White Hill Cottage, located on Easton Lane, due to a very large adverse residual visual effect, and moderate adverse residual effects from noise, the temporary loss of land and permanent rights over land. The combined effect of these effects is not expected to be greater than the individual topic assessments, as the property is already experiencing a very large adverse effect. Potential additional mitigation, such as erection of temporary screen fencing, would add to the very large adverse visual effect by completely limiting views from the property. Otherwise, measures identified to mitigate noise effects include implementation of a Noise and Vibration Management Plan, which will set out how noise and vibration will be managed, monitored and mitigated throughout construction.

**Paragraph 15.7.6 of Chapter 15 (Cumulative Effects) of the Environmental Statement (ES) (6.1, APP-056)**, goes on to state: 'As a result of the assessment for combined effects, further mitigation specifies that engagement must be undertaken with the occupant/owner of White Hill Cottage to ensure they are provided with contact details for a site representative, are kept up to date on the construction works programme and the relevant mitigation being implemented.' The Applicant will comply with this commitment.

ExQ1	Question to:	Question:
Q8.1.7	Cumulative effects with other projects The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.7.2, in relation to the assessment of cumulative effects with other developments identified that both developments ID 72 and ID 79 are anticipated to increase traffic on the local network during construction, and therefore have minor impacts on journey time reliability. There has been considerable concern expressed in the RRs in relation to potential effects upon traffic congestion and hence journey times during construction.</p> <p>Please provide further details of the assessment of the potential traffic impact of those schemes and the justification for the conclusions reached in each case.</p>

### Applicant Response

Development ID 79 (21/03239/OUT) involves the erection of up to 2100sqm of office floorspace and up to 158 bed purpose-built student accommodation. Although an EIA was not required, the Transport Assessment associated with the planning application noted that the proposed redevelopment of the Site will result in an increase in vehicle trips of 38 arrivals in the AM peak and 43 departures in the PM peak. This is the equivalent to an increase of 7.5% and 9.1% traffic in the future scenario that the applicant used (2026). However, the Applicant notes that the application was submitted in 2021, and despite being consulted upon the Application has not been determined.

Given that Development ID 79 is anticipated to be operational by 2026 (the year prior to the Scheme becoming operational), it is likely there will be a temporal overlap of construction periods. Given the anticipated temporal overlap and Development ID 79 being located 600m from the Application Boundary of the Scheme, it was assumed that cumulatively, there could be an increase of traffic on the local road network during part of the construction phase and therefore, journey time may be impacted. However, the Transport Assessment submitted with the application for Development ID 79 suggests that *'given that the two way traffic flow is comparatively low on the Winnall Manor Road (505 during the AM and 471 during the PM) the increase in traffic will not have any severe impact on the local network.'*

Additionally, a Travel Plan was submitted with the application for Development ID 79. The key aim of a Travel Plan is to inform residents, staff (and visitors where possible) of the alternatives to driving their cars to the site, to increase awareness of and promote greener, cleaner modes of travel, and to reduce the overall number of single-occupancy car trips to and from the proposed development. As a result, professional judgement was used to conclude that should there be any cumulative impact upon journey time as a result of the construction of the Scheme and Development ID 79, this would be minor adverse.

Development ID 72 (22/00230/FUL) involves the construction and operation of a new McDonalds restaurant with a drive-thru. Chapter 8 of the Transport Assessment that was submitted with the planning application for Development ID 72 assesses anticipated changes in traffic flows on the local road network, including M3J9 and Easton Lane, during Friday and Saturday 'peak' times. There are also traffic flow diagrams demonstrated these anticipated changes within the Appendices submitted with the planning application for Development ID 72. The assessment concludes a predicted increase on the local network of around 100 vehicles (2-way). The proposed year of opening for Development ID 72 was 2022, however the development was only permitted in May 2023. As a result, construction of the development has potential to overlap with the construction of the Scheme, resulting in increased journey times. However, due to the scale of the estimated increases in traffic flows as a result of

Development ID 72 (100 vehicles – 2-way), professional judgement was used to conclude that any cumulative effects impacting journey time would be minor.

ExQ1	Question to:	Question:
Q8.1.8	Cumulative effects with other projects The Applicant	Please can the Applicant confirm whether the other developments identified for inclusion in the cumulative assessment were agreed with the relevant local planning authorities.

### Applicant Response

In Winchester City Council's Section 42 (s42) response, they noted that the list of 'other developments' submitted by the Applicant appeared to cover the key developments within the City Council's area. However a number of site allocations and planning consents were missed from the search area for cumulative effects. They subsequently listed those that they considered had been missed in Appendix I of their s42 response. These were later included within the list of developments identified for cumulative assessment.

Hampshire County Council did not comment on the 'other developments' identified for inclusion in the cumulative assessment during statutory consultation. Whilst South Downs National Park Authority mention cumulative effects within their s42 response, this is not in the context of which developments should be assessed, but rather in regard to emphasising the need to consider cumulative impacts on habitats rather than individual habitat impacts.

The methodology for undertaking the cumulative assessment is outlined in **Section 15.3 of Chapter 15 (Cumulative Effects)** of the **Environmental Statement (ES) (6.1, APP-056)**. This involved undertaking a 'staged' approach as outlined in the Planning Inspectorate's Advice Note 17: *Cumulative Effects Assessment* (Planning Inspectorate, 2019) and guidance within Design Manual for Roads and Bridges (DMRB) LA 104 Environmental assessment and monitoring (Highways England, 2020). A search for 'other development' was undertaken using information gathered from the Planning Inspectorate website and Local Planning Authority websites. This was compiled into a 'long list' of developments which could potentially have effect interactions with the Scheme. A short list of 'other development' was then prepared through a review of the long list to identify those to be taken forward into the cumulative assessment, primarily by applying a threshold to the identified long list and whether or not a temporal

overlap exists. The threshold criteria is outlined in **Table 15.3 of Chapter 15 (Cumulative Effects)** of the **Environmental Statement (ES) (6.1, APP-056)**.

ExQ1	Question to:	Question:
Q8.1.9	NPSNN The Applicant, Winchester City Council	<p>The NPSNN Accordance Table [APP-155] in relation to NPSNN paragraph 4.16, notes that there is potential for cumulative effects on human health during construction with regards to air quality and noise from two 'other developments' (ID 72 and ID 79).</p> <p>Please comment upon the reliability of the assumption made that, in relation to air quality and noise levels, best practice measures would be implemented and, as a result, no cumulative effects are anticipated on human health during construction.</p>

### Applicant Response

The assumption made in the **National Policy Statement for National Networks Accordance Table (7.2, Rev 2)** specifically relating to Paragraph 4.16 in the *National Policy Statement for National Networks (NPS NN)* is considered to be a reliable assumption to have made given that such measures are intended to be secured and implemented as part of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, and subsequent second iteration Environmental Management Plan (siEMP) therefore normally includes commitments to tried and tested standard mitigation measures to be implemented throughout the construction phase to limit adverse effects on sensitive receptors as far as is practicable, and measures to limit noise, emissions, dust and disturbance from construction traffic routing are most relevant to human health.

## 2.9 Draft Development Consent Order

ExQ1	Question to:	Question:
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Q9.1.1	Article 2 Definition of "maintain" The Applicant	<p>The definition of "maintain" in the draft DCO [APP-019] includes "replace".</p> <p>The EM [APP-020] paragraph 4.5(b) does not include an explanation as to why it is considered necessary and reasonable to include "replace" in this definition.</p> <p>Please provide such an explanation for this aspect of the definition.</p> <p>Given that the definition of "maintain" should not result in works being authorised which have not been assessed in the ES in accordance with the EIA regulations, please confirm that all these works have been so assessed and identify where this is recorded.</p>
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### Applicant Response

The maintenance provisions included in the **draft Development Consent Order (3.1, Rev 2)** are consistent with the Applicant's duties under sections 41 and 329 Highways Act 1980 and powers under Part 9 of Schedule 2 to the *Town and Country Planning (General Permitted Development) (England) Order 2015* (the GDPO), which states that development is permitted for:

*'The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the Highways Act 1980, or works in connection with, or incidental to, the exercise of those functions.'*

Under section 329 of the Highways Act 1980, 'maintenance' is simply, and widely, defined as:

*"maintenance" includes repair, and "maintain" and "maintainable" are to be construed accordingly.'*

The inclusion of the words "inspect, repair, adjust, alter, remove, replace or reconstruct" cover matters that are considered to be integral elements of the Applicant's existing maintenance powers. It should be noted that the Applicant has applied a less prescriptive approach than in previous Development Consent Orders as set out in the **Explanatory Memorandum (3.2, APP-020)**.



The Applicant has not given an explanation into the justification of 'replace' as a clarificatory term sitting within the definition of "maintain." The act of replacement exists alongside "remove" "repair" and "reconstruct" within maintenance. The Applicant does not consider that the power to "replace" grants any additional right or power over that granted by the terms "remove, repair, reconstruct" when construed together. It is therefore considered to be a reasonable clarificatory term. It is necessary only to remove the need to rely on "remove, repair, and reconstruct" together and therefore aids interpretation. The Applicant considers it reasonable for the act of replacement to sit within the definition of maintenance as the proper maintenance of the highway is an essential part of ensuring the safety of road users, a statutory duty of the Applicant.

In practical terms it is foreseeable that over the design life of the Scheme it would become necessary for some elements to be removed, replaced or reconstructed as part of the Scheme's maintenance, for example the surfaces of carriageways.

It should also be noted that the power to 'maintain', contained in **Article 6** (maintenance of the authorised development) of the **draft Development Consent Order (3.1, Rev 2)**, is a power to "maintain the authorised development" and so any such works of maintenance must be within the bounds of what is authorised to be constructed under the Order, and within the scope of Article 10 (limits of deviation).

The Applicant considers that the flexibility of this definition is appropriately constrained by reference to the environmental impacts that have been identified in the environmental statement to avoid the possibility of the **draft Development Consent Order (3.1, Rev 2)** giving consent for an environmental impact that has not been assessed.

ExQ1	Question to:	Question:
Q9.1.2	Article 2 – Definition of "Order land" The Applicant	Please will the Applicant confirm that the Land Plans [APP-006] and the BoR [APP-024] refer to the same land, neither more nor less? If there are differences, please explain what they are, including by reference to a plan.

### Applicant Response

The Applicant can confirm that the **Land Plans (2.2, APP-006)** and the **Book of Reference (4.3, Rev 2)** both possess 117 plots. The land use of the plans reflects that of the '*extent of acquisition or use*' in the **Book of Reference (4.3, Rev 2)** for each corresponding plot.

ExQ1	Question to:	Question:
Q9.1.3	Article 2 – Definition of “street” The Applicant	This is defined as the documents certified by the Secretary of State as the ES for the purposes of this Order. It is referred to in Schedule 11 of the initial draft DCO [APP-019] as the “Environmental Statement Volume 6, document 6.1 to 6.4.”  Please indicate whether there are any other documents that should be included in the definition at this stage and confirm that this will be appropriately updated in the event that further documents are submitted that require inclusion during the course of the Examination.

**Applicant Response**

The Applicant assumes reference was meant to be made to the definition of '*environmental statement*' and not '*street*'. The Applicant can confirm that at this stage no other documents need be included in that definition, but the Applicant will continue to appropriately update this list of certified documents to ensure that all relevant further documents that are submitted are included in **Schedule 11** of the **draft Development Consent Order (3.1, Rev 2)** where necessary.

ExQ1	Question to:	Question:
Q9.1.4	Article 2 – Definition of “street” The Applicant	Please explain why it is necessary to include within this definition land on the verge of a “street”?

**Applicant Response**

This definition is a standard definition and was included in the model provisions. The Applicant considers that this is a clarificatory addition to the definition of “street” which defined principally in relation to section 48 of the New Roads and Street Works Act 1991, and states that a street means “the whole or any part of any of the following irrespective of whether it is a thoroughfare-

- Any highway, road, lane, footway, alley or passage,
- Any square or court, and
- Any land laid out as a way whether it is for the time being formed as a way or not.

The *Highways Act* 1980, section 96 permits a highway authority to layout grass verges within a highway maintainable at the public expense thus demonstrating that a verge can exist within a ‘*highway*’. This also demonstrates a possible reason for including explicit reference to a verge in this definition so that the protections and rights afforded in relation to ‘*streets*’ are maintained notwithstanding any existing or future existence of a verge within that highway.

ExQ1	Question to:	Question:
Q9.1.5	Article 2(2) The Applicant	The EM [APP-020] states that Article 2(2) expands the definition of rights over land.  Please provide the rationale behind the inclusion of this expanded definition?

**Applicant Response**

The inclusion of **Article 2(2)** of the **draft Development Consent Order (3.1, Rev 2)** follows the example as set by the model provisions. The article is clarificatory and ‘*expands*’ the term ‘*rights over land*’ only so this term includes reference to the other powers in the **draft Development Consent Order (3.1, Rev 2)** which interact with land rights. It clarifies that it includes rights to do or to place and maintain anything in on or under the land or in the airspace above its surface thus linking this to the powers granted by **Article 32** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
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Q9.1.7	Article 3 – Disapplication of legislative provisions The Applicant	<ul style="list-style-type: none"> <li>▪ Please comment generally on the effect of this Article given that its consequence would be that certain consents would no longer need to be obtained.</li> <li>▪ Would there still be sufficient regulation of the activities that fall within Article 3(1) (a) to (g)?</li> <li>▪ (The EM [APP-020], paragraph 4.12, acknowledges that the consent of the Environment Agency (EA) and the relevant drainage authorities to the inclusion of these provisions in the Order will be needed and these consents are being sought. Where necessary, protective provisions are being discussed with the relevant regulators. Please provide an update on the progress of these discussions and indicate whether protective provisions have now been agreed?</li> </ul>
<b>Applicant Response</b>		
<p>The Applicant has summarised the operation of this Article in the <b>Explanatory Memorandum (3.2, APP-020)</b>.</p>		
<p>To mitigate the disapplication proposed at <b>Article 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>, and ensure sufficient regulation, it is anticipated that protective provisions are required for the Environment Agency.</p>		
<p>The Applicant has updated <b>Article 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> to reflect the ongoing discussions had with relevant stakeholders. Where protective provisions are necessary, these are being discussed and reviewed by the Applicant. Protective provisions are at an early stage of negotiation and not yet agreed, the Applicant will continue to keep the Panel apprised of progress with these provisions.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.8	Article 3 (1) (h) - Disapplication of legislative provisions The Applicant	<ul style="list-style-type: none"> <li>▪ The EM [APP-020], paragraph 4.13, refers to Article 33 in relation to the Temporary Possession (TP) of land – should this reference be to Article 35?</li> <li>▪ The EM [APP-020], paragraph 4.13, indicates that Article 3 also disappplies the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land. This is on the basis that the TP of land is dealt with by Articles 34</li> </ul>

		and 33 and whilst the wording of those provisions is well established, the 20017 Act contains untested provisions. Notwithstanding that previous DCOs have similarly disapplied the Neighbourhood Planning Act, please provide a reasoned justification as to why it is necessary and reasonable to disapply it in this case? Why is it not proposed to align the TP powers in the draft DCO [APP-019] with the section 20(3) Neighbourhood Planning Act 2017 three months' notice period?
<b>Applicant Response</b>		
<p>The Applicant agrees that references in <b>Paragraph 4.13</b> of the <b>Explanatory Memorandum (3.2, APP-020)</b>, should read <b>Articles 34</b> and <b>35</b> rather than <b>Article 34</b> and <b>33</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>.</p> <p>The case for disapplication remains as it has been for previous Development Consent Orders, that it has been included on a precautionary basis as the provisions in the Neighbourhood Planning Act 2017 have not been brought into force. Should the relevant sections of the Neighbourhood Planning Act 2017 be brought into force, there may be a potential conflict with what is proposed in the <b>draft Development Consent Order (3.1, Rev 2)</b> and what is in the <i>Neighbourhood Planning Act (2017)</i>. The provisions in the <b>draft Development Consent Order (3.1, Rev 2)</b> to have a notice period of 28 days is considered a reasonable and proportionate notice period, in the past the Applicant has acquired temporary acquisition powers in Development Consent Orders (see A19/A1058 Coast Road Junction Improvement) that contain 14 day notice periods. The Applicant has changed its position since this and now considers 28 days as a standard period for all its Development Consent Orders as a reasonable and proportionate period. There is no requirement for the Applicant to align its powers of temporary possession with a provision not yet in force to do so would grant legitimacy to a provision that Parliament has not yet passed into law.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.10	Article 5 - Development consent etc. granted by the Order The Applicant	Regarding the draft DCO [APP-019] Article 5, please comment on the situation where highways within the authorised development are not maintainable by the Applicant and if such highways should be excluded from this article.

### Applicant Response

The Scheme includes highways that will be part of the strategic road network and maintained by the Applicant but also includes highways that will be dedicated to the local highway authority. To exclude highways not to be maintained by the Applicant in the grant of authorised development would be to prevent the Applicant from delivering the Scheme.

The Applicant has provided at **Article 15** of the **draft Development Consent Order (3.1, Rev 2)**, the mechanism for de-trunking of existing highways and adoption of new roads. **Article 15(4)** of the **draft Development Consent Order (3.1, Rev 2)** states that on such a day as the undertaker may determine, the roads described in **Part 3** of **Schedule 3** of the **draft Development Consent Order (3.1, Rev 2)** are to cease being trunk roads. As a result of this they will revert to the local highway network. **Article 15(5)** and **(8)** of the **draft Development Consent Order (3.1, Rev 2)** states that where the roads as described in **Part 4** of **Schedule 3** of the **draft Development Consent Order (3.1, Rev 2)** or public rights of way as described in **Part 8** of **Schedule 3** of the **draft Development Consent Order (3.1, Rev 2)** are completed and open for traffic they are to be maintainable at the public expense by the local highway authority.

ExQ1	Question to:	Question:
Q9.1.11	Article 8 – Limits of deviation The Applicant	The EM [APP-020], paragraph 4.29, states that the limits of deviation referred to in Article 8 and shown on the application plans have been taken into account in the preparation of the ES and the potential impacts of a deviation within the permitted limits have been assessed. Whilst the ExA notes the references to the limits of deviation set out in the ES Chapters 2 and 4, for the avoidance of doubt, please provide confirmation that this has been done in all instances and provide all the relevant ES chapter and paragraph references to support this

### Applicant Response

The Applicant confirms this has been done for all topic assessments and provides the relevant **Environmental Statement (6.1-6.3, APP-042 – APP-153)** chapter and paragraph references below:

- **Paragraph 5.4.62** in **Chapter 5 (Air Quality)** of the **Environmental Statement (ES) (6.1, Rev 1)**
- **Paragraph 6.4.12** in **Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**

- Paragraph 7.4.74 Chapter 7 (Landscape and Visual) of the Environmental Statement (ES) (6.1, Rev 1)
- Paragraph 8.4.1 in Chapter 8 (Biodiversity) of the Environmental Statement (ES) (6.1, APP-049)
- Paragraph 9.4.19 in Chapter 9 (Geology and Soils) of the Environmental Statement (ES) (6.1, APP-050)
- Paragraph 10.4.18 in Chapter 10 (Material Assets and Waste) of the Environmental Statement (ES) (6.1, Rev 1)
- Paragraph 11.4.37 in Chapter 11 (Noise and Vibration) of the Environmental Statement (ES) (6.1, APP-052)
- Paragraphs 12.4.38 and 12.4.39 Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)
- Paragraph 13.4.11 in Chapter 13 (Road Drainage and the Water Environment) of the Environmental Statement (ES) (6.1, APP-054)
- Paragraphs 14.5.39 and 14.12.24 in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)

ExQ1	Question to:	Question:
Q9.1.12	Article 8 – Limits of deviation The Applicant	<p>ES Chapter 4 Environmental Impact Assessment Methodology [APP-045], paragraph 4.4.1, refers to the application of the 'Rochdale Envelope' in assessing the effects of the Scheme from an environmental perspective. The Planning Inspectorate advice note nine: Rochdale Envelope (Planning Inspectorate, 2018) states: "The 'Rochdale Envelope' approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty". However, it also indicates that the need for flexibility should not be abused</p> <ul style="list-style-type: none"> <li>▪ Please explain further how the parameters for the scheme can be regarded as being 'clearly defined' and sufficiently detailed to enable a proper assessment to be carried out which considers the 'worst case' scenario.</li> <li>▪ Please explain further how the approach to the description of the development consistently addresses the uncertainty and necessary flexibility across all relevant application documents.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Please explain how notwithstanding the flexibility incorporated within the scheme the ExA can be assured that the likely significant environmental effects from the Proposed Development have been properly assessed and presented in the ES.</li> <li>▪ Please explain and justify the extent of the vertical and lateral deviations set out in Article 8 and the different approach for different works including those within ES Chapter 2 Tables 2.2 and 2.3 [APP-043]?</li> </ul>
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**Applicant Response**

The parameters of the design of the Scheme are cleared defined and described within **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES) (6.1, APP-043)**, the **General Arrangement Plans (2.5, APP-009)**, the **Engineering Plans and Sections (2.6, Rev 1)**, the works described in **Schedule 1** of the **draft Development Consent Order (3.1, Rev 2)** indicated principally on the **Works Plans (2.3, Rev 1)** and the maximum area of land anticipated as likely to be required, taking into account the proposed Limits of Deviation (LoD) for the Scheme. These plans provide clearly defined and sufficiently detailed account of the Scheme.

Limits of Deviation have been incorporated within the Application Boundary to allow modifications to be made to the Scheme during the detailed design and construction stages. Such flexibility is required, for example, to enable the Principal Contractor to alter their working procedures or make adjustments to the position of certain infrastructure in response (for example) to unforeseen ground conditions.

The Environmental Impact Assessment conclusions regarding likely significant effect as presented within the **Environmental Statement (ES) (6.1 – 6.3, APP-042 - APP-153)** are based on the Scheme (as detailed in the **General Arrangement Plans (2.5, APP-009)** and **Engineering Plans and Sections (2.6, Rev 1)** and have taken into account and assessed the Limits of Deviation as set out in the **Works Plans (2.3, Rev 1)** and the **draft Development Consent Order (3.1, Rev 2)** and therefore the assessments have included a realistic worst case scenario, encompassing the full extent of the Limits of Deviation.

The extent of vertical and lateral deviations set out in **Article 8** of the **draft Development Consent Order (3.1, Rev 2)** are mirrored by **Tables 2.2 and 2.3** of **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES)**



<p><b>(6.1, APP-043)</b> and have been determined based on the design, known constraints, construction and buildability factors associated with the Scheme.</p>		
ExQ1	Question to:	Question:
Q9.1.13	Article 8 – Limits of deviation The Applicant	In the draft DCO [APP-019] Article 8 sub section (c), please confirm if the statement ‘.....work number 1j and 1m as shown on the land plans...’ should read works plans.
Applicant Response		
<p>The Applicant agrees that this should be read as works plans and has updated the <b>draft Development Consent Order (3.1, Rev 2)</b> to take this into account.</p>		
ExQ1	Question to:	Question:
Q9.1.15	Part 3 – Streets. Article 11 -Street works The Applicant	The EM [APP-020] paragraph 4.36, explains that this article authorises interference with any street within the Order limits, rather than just those specified in a schedule. Whilst the ExA notes that this article is based on article 8 of the model provisions, please explain the need for a power of this scope and why the relevant streets cannot be identified in advance?
Applicant Response		
<p>The Applicant has explained the definition of street in their response to Q9.1.4. This definition is very broad. There is no register of streets that might enable the Applicant to list with any certainty the full extent of all streets within the Order Limits. It is therefore necessary to acquire this power on this basis to enable the Applicant to construct the authorised development. The power broadly reflects the powers of a local highway authority under Part V of the <i>Highways Act</i> 1980 namely Section 75 (variation of widths of carriageways and footways) Section 76 (levelling of highways) Section 77 (alteration of levels). They are therefore powers which a highway authority would generally have in relation to highways it is liable to maintain. <b>Article 12</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> allows the Applicant to acquire these rights over streets that are covered by the Applicant’s duty to maintain and thus where the Applicant does not have existing statutory rights.</p>		

Question:	Question to:	Question:
Q9.1.16	Part 3 – Streets. Article 12 – Power to alter layout etc of streets The Applicant	The EM [APP-020] paragraph 4.39, explains that Article 12 (1)(3)(b) means that the power is subject to giving the local street authority not less than 42 days' notice to the street authority of any exercise of the power and may not be exercised without the consent of the street authority where that authority is a public authority. <ul style="list-style-type: none"> <li>▪ Please explain the need for a power of this scope in relation any street within the Order limits?</li> <li>▪ Please explain why a similar safeguard is not provided where the street authority is not a public authority and justify the approach as being reasonable?</li> </ul>
<b>Applicant Response</b>		
<p>The power at <b>Article 12(1)</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> may not be exercised without the consent of the street authority where that authority is a public authority subject to <b>Article 12(4)</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> which states that if a street authority receives an application for consent under <b>Paragraph 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> and fails to notify the undertaker of its decision before the end of the period of 6 weeks beginning with the date on which the application was made it is deemed to have granted consent. This power is necessary to be applied to all streets within the Order Limits for the same reasons as set out in the Applicant's response to Q9.1.15.</p> <p>The reason for obtaining the consent of the street authority as per <b>Article 12(3)(b)</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> is to ensure that the Applicant's actions do not infringe on the duties that a public authority may have over a public highway. Public authority has been used rather than '<i>highway authority</i>' to encompass the scenario where the street is not adopted but a public authority may still have duties over that street. Where the street is managed not by a public authority but a private body and therefore managed by a "street manager" within the meaning of section 49 of the <i>New Roads and Street Works Act</i> (1991) it is not anticipated that the street managers have the same level of duties over that street as a public authority might under statute, and therefore the consent of the street managers is not necessary.</p>		
ExQ1	Question to:	Question:

Q9.1.18	<p>Part 3 – Streets. Article 14 – Construction and maintenance of new, altered or diverted streets and other structures The Applicant, Hampshire County Council</p>	<p>The draft DCO [APP-019], Part 3, Article 14 sub-paragraph (3) states where a footpath, cycle track or bridleway is constructed, altered or diverted under this Order it must be maintained by and at the expense of the local highway authority from its completion.</p> <p>Please confirm that this includes those which are adjacent to or contiguous with a trunk road and if there are any other exceptions.</p>
<b>Applicant Response</b>		
<p>It is the Applicant's intention that all footpaths, cycle tracks and bridleways constructed altered or diverted are to be adopted by the local highway authority. There are limited examples where a footpath, cycle track or bridleway are adjacent to or contiguous with a trunk road and the precise arrangements of maintenance are to be agreed with Hampshire County Council as local highway authority.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.19	<p>Part 3 – Streets. Article 14 – Construction and maintenance of new, altered or diverted streets and other structures The Applicant, Hampshire County Council</p>	<p>The draft DCO [APP-019], Part 3, Article 14 Sub-paragraph (6) states that in the case of a bridge constructed under this Order to carry a highway over a special road or trunk road, the highway surface above the waterproofing membrane will be maintained by and at the expense of the local highway authority and the structure of the bridge must be maintained by and at the expense of the undertaker unless otherwise agreed in writing with the local highway authority.</p> <p>Please confirm and clarify is 'surface' relates only to the carriageway surfacing and that there is a process of agreeing this with the local highway authority, including the relevant</p>

		commuted sums. Please confirm how any such commuted sums are secured within the DCO.
<b>Applicant Response</b>		
<p>The surface relates to the carriageway as the structure of any bridge will be maintained by the Applicant. The Applicant continues to liaise with the local highway authority as to the details of adoption and maintenance. The discussion of commuted sums is a matter for private negotiation between the parties and it is not intended that the Development Consent Order will secure this relationship.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.20	Article 18 – Access to works The Applicant	<p>The EM [APP-020] paragraph 4.75, indicates that Article 18 allows means of access to be created within the Order limits and anticipates that this article will be relied on by the undertaker to provide temporary accesses as required during the construction period.</p> <ul style="list-style-type: none"> <li>▪ Please provide further justification for this general power which would permit the creation of means of access without examination and set out any draft DCO controls that would be applicable to its exercise.</li> <li>▪ Given that the intended purpose of this article is to make provision of ‘temporary accesses’ should the article include specific reference to the temporary nature of the development within its scope?</li> </ul>
<b>Applicant Response</b>		
<p>Temporary accesses will be required from the public highway to the construction compounds shown on the <b>General Arrangement Plans (2.5, APP-009)</b>. The precise location of these accesses cannot be confirmed until the detailed design stage.</p>		

The **Outline Traffic Management Plan (7.8, Rev 1)** sets out proposals for construction traffic management including phasing plans and control measures. This plan will be refined in consultation with the local highway authority and approved by the Secretary of State under **Requirement 11** of the **draft Development Consent Order (3.1, Rev 2)** and must be approved prior to commencement.

The **Explanatory Memorandum (3.2, APP-020)** states that it is anticipated that the Applicant will rely on this article to provide temporary accesses. This is not necessarily the only example of use. The Article also provides powers to improve existing accesses and in that case those works would not be temporary.

**Article 17** of the **draft Development Consent Order (3.1, Rev 2)** appears in the same form in the following Development Consent Orders:

- M25 Junction 28 Improvements Development Consent Order 2022
- A417 (Missing Link) Development Consent Order 2022
- A1 Birtley to Coal House Development Consent Order 2021
- A19 Downhill Lane Junction Development Consent Order 2021
- M42 Junction 6 Development Consent Order 2020
- A585 Windy Harbour to Skippool Development Consent Order 2020
- The A63 (Castle Street Improvement, Hull) Development Consent Order 2020
- The A30 Chiverton to Carland Cross Development Consent Order 2020

ExQ1	Question to:	Question:
Q9.1.21	Article 18 – Access to works The Applicant	The EM [APP-020] paragraph 4.76, states that the provisions of this article confer slightly broader powers than those contained in the Highways Act 1980, which allows a highway authority to provide “a new means of access to any premises” where it considers it “necessary or expedient in connection with the construction, improvement or alteration of a highway” to do so.

		<ul style="list-style-type: none"> <li>▪ Whilst the ExA notes the Applicant's desire for the works to be carried out expeditiously, please consider whether the words in the article should reflect those in the Act and reference to "with the consent of the street authority" should be included to provide reasonable safeguards for those affected by the new means of access.</li> <li>▪ Alternatively, should provision be included for giving notice.</li> </ul>
<b>Applicant Response</b>		
<p>The power in the <i>Highways Act</i> (1980) applies to 'premises' which is defined at section 329(1) as including land and buildings which is broad enough to align with <b>Article 18's</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> coverage of the Order Limits. The addition of 'with the consent of the street authority' is provided in the Highways Act 1980, likely because such power used in isolation would likely be used in absence of a secondary planning procedure, unlike the Development Consent Order process. The <b>Outline Traffic Management Plan (7.8, Rev 1)</b> sets out proposals for construction traffic management including phasing plans and control measures. This plan will be refined in consultation with the local highway authority and approved by the Secretary of State under <b>Requirement 11</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> and must be approved prior to commencement. Therefore, the consent of the street authority is not considered necessary to provide reasonably safeguards.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.22	Article 20 – Traffic Regulation The Applicant	<p>The EM [APP-020] paragraph 4.84, explains that Article 20 would allow the powers authorised by this article to be exercised by the undertaker, at any time up to 12 months after the opening of the authorised development for public use, in so far as it is necessary or expedient for the purposes of the construction, maintenance or operation of the authorised development.</p> <ul style="list-style-type: none"> <li>▪ Please explain why it is considered necessary for this power to extend beyond the opening of the authorised development for a period of this length?</li> </ul>

		<ul style="list-style-type: none"> <li>Why is it considered necessary to have the power in 4.84 (c) to authorise the use as a parking place of any road and in what circumstances is it envisaged that this power would be utilised?</li> </ul>
<b>Applicant Response</b>		
<p>Notwithstanding <b>Article 15</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> which provides that on the date that classified roads are to be opened for traffic they are to be classified roads and therefore under the maintenance of the local highway authority. This Article provides powers for the Applicant for the purposes of the authorised development to carry out those powers as summarised in the <b>Explanatory Memorandum (3.2, APP-020)</b>. Twelve months is a reasonable time after construction to assess whether further works are necessary to ensure the safe operation of the highway, if further works are identified the Applicant requires the powers to make the necessary orders to allow for works to occur on the highway. It is necessary to have the power as summarised in the <b>Explanatory Memorandum (3.2, APP-020)</b> at <b>paragraph 4.84(c)</b>, which can be found at <b>Article 20(2)(c)</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>, as there is no common law right or power to park in a public highway, doing so can constitute an obstruction of the highway under section 137 of the <i>Highways Act</i> (1980). This Article must expressly state this power in order to grant the Applicant the power to park in the highway. The Applicant may use this power to park in the highway where necessary for the purposes of construction of the authorised development.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.24	Part 4 – Article 21 – Discharge of water The Applicant	<p>The EM [APP-020] paragraph 4.92, indicates that Article 21(5) requires the undertaker to take reasonably practicable steps to ensure that any water that is discharged is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.</p> <p>Please indicate how that would be achieved in practice and identify any other controls that would secure this?</p>
<b>Applicant Response</b>		

In order to ensure that construction and operational works do not have a detrimental impact on water quality, **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 and APP-143)** has been prepared in consultation with the Environment Agency and Lead Local Flood Authority.

A Temporary Construction Drainage Strategy is included as **Appendix J** within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and will be put in place to 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 second iteration Environmental Management Plan (siEMP).

Further to the Construction Drainage Strategy, an Emergency Spill Response Plan, Erosion Prevention and Sediment Control Plan and Foundation Works Risk Assessment are all to be prepared as part of the second iteration Environmental Management Plan (siEMP).

The second iteration Environmental Management Plan (siEMP) would be implemented during the construction of the Scheme and is secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

The SuDS Maintenance and Management Schedule is included within **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 and APP-143)** and outlines the regime that the Applicant should commit to in terms of inspection and maintenance of each drainage asset. The requirements of **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 and APP-143)** are included in entry WE4 of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. This is secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q9.1.26	Article 22 – Protective works to building The Applicant	Notwithstanding the reference to the Model Provisions and recent made DCOs referred to in the EM[APP-020] paragraph 4.94, explain further why it is necessary to have this power in the circumstances of this particular project?

### Applicant Response



Whilst no buildings have been identified in preliminary design to require protective works, it remains a possible scenario that during detailed design or construction buildings are identified that would require such works. There are a number of buildings in close proximity to the Application Boundary. To ensure that any buildings affected by the works can be appropriately protected where identified in the course of detailed design or construction, the power should be retained.

ExQ1	Question to:	Question:
Q9.1.27	Article 22 – Protective works to building The Applicant	The power granted by Article 22(1) would extend to “any building which may be affected by the authorised development as the undertaker considers necessary or expedient”. Should this power be restricted to buildings within the Order limits and, if not please explain why?

#### Applicant Response

This power is necessary to be drafted to allow for flexibility of use outside the Order limits. It would not be satisfactory for any party should detailed design show a need for protective works to a building that falls outside the Order limits. It may be possible for subsidence or other such effects to occur, not anticipated by the Applicant, and occur outside the Order limits in those cases it is right and proportionate for the Applicant to have the power to rectify and protect those buildings.

ExQ1	Question to:	Question:
Q9.1.28	Article 23 – Authority to survey and investigate land The Applicant	Please reconsider whether the period of 14 days notice provides a reasonable period for the landowner to prepare for the exercise of the power of entry, for example, where the land may be used for accommodating livestock.  Please explain why a period of 28 days notice of surveys or investigations could not be provided?

#### Applicant Response

The reasonable exercise of this power is already limited through the express set of circumstances that the Applicant might exercise this power as set out in **Article 23(1)** of the **draft Development Consent Order (3.1, Rev 2)**. The Applicant must serve

fourteen days' notice under **Article 23(2)** of the **draft Development Consent Order (3.1, Rev 2)**. This is a reasonable notice period considering the precedence of this Article in the model provisions and other National Highways Development Consent Orders. It is also the same notice period as is required in section 172 of the *Housing and Planning Act* (2016) which permits a person authorised in writing by an acquiring authority, which includes the Applicant, to enter and survey or value land in connection with a proposal to acquire an interest or a right over land. This section sets out a clear scope of works that might be able to be used under it, but for the purpose of justifying the fourteen day notice period the Applicant considers that this provides ample reason for the justification for fourteen days notice period being reasonable as it is used elsewhere for almost identical purposes in other legislation.

ExQ1	Question to:	Question:
Q9.1.29	Part 5 - Powers of Acquisition Article 27 - Compulsory acquisition of rights and imposition of restrictive covenants The Applicant	<p>The power granted by Article 27 would allow the undertaker to acquire existing rights and create new rights over any of the Order land, rather than just the rights described in the BoR [APP-024].</p> <ul style="list-style-type: none"> <li>▪ Please provide specific and clear justification for seeking this wide ranging power over all of the Order land and indicate how the power would be used?</li> <li>▪ Please explain further why all of the plots which are to be subject to the acquisition or creation of rights and has set these out in the BoR, land plans [APP-006] and Schedule 5 to the Order cannot be identified in advance?</li> <li>▪ In the light of Advice Note 15, paragraph 24.1, and Good Practice point 9, please provide justification which is specific to each of the areas of land over which the power is being sought, rather than generic reasons and include a clear indication of the sorts of restrictions which would be imposed.</li> </ul>

### Applicant Response

**Article 27** of the **draft Development Consent Order (3.1, Rev 2)** provides the Applicant with the power to acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under **Article 24** of the **draft Development Consent Order (3.1, Rev 2)**. Where the Applicant has already

identified land whereby outright acquisition of the entire interest would not be applicable, the Applicant has limited its acquisition to only the acquisition of such wayleaves, easements and new rights, or imposition of restrictive covenants in the land specified in **Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)**. Pursuant to **Article 27(3)** of the **draft Development Consent Order (3.1, Rev 2)** the power to impose restrictive covenants is exercisable only in respect of plots specified in column (1) of **Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)**.

The Applicant is only proposing to acquire rights in isolation at plot 6/5. The **Book of Reference (4.3, Rev 2)** sets out that the rights to be acquired permanently are to access, construct, maintain and repair overhead electricity cables and associated apparatus. These rights are secured in plot 6/5 in **Schedule 5** of the **draft Development Consent Order (3.1, Rev 2)** under column 2. **Annex A** of the **Statement of Reasons (4.1, Rev 2)** clarifies in relation to the works plans that this plot will be required for the diversion of approximately 269 metres in length of power cables. The Applicant considers it a reasonable justification to acquire rights over this plot so as to remove the necessity to acquire the freehold, but also ensure sufficient ability to move the apparatus in the plot and re-grant the necessary rights for the continued access and maintenance of the apparatus to the statutory undertaker.

The precise area of outright acquisition cannot be more precisely identified until detailed design has concluded. The Applicant requires powers of compulsory acquisition over so much of the Order land as is set out in the **Land Plans (2.2, APP-006)** in order to carry out or to facilitate the authorised development as it is currently envisaged in preliminary design, **Article 24** of the **draft Development Consent Order (3.1, Rev 2)** grants such powers.

It is not the intention for **Article 27** of the **draft Development Consent Order (3.1, Rev 2)** to be utilised in a way to bind the Applicant is acquiring rights in the alternative to outright acquisition. The intention of the Applicant is as set out in the **Land Plans (2.2, APP-006)**, **Book of Reference (4.3, Rev 2)**, **Statement of Reasons (4.1, Rev 2)** which details what land is required for the Scheme, or is required to facilitate or is incidental to the Scheme. Where, after a process of detailed design, it becomes apparent that acquisition of some land might be done through the acquisition of rights as opposed to the entire legal interest then this would be subject to the discretion of the Applicant to elect to acquire in this manner. By acquiring rights rather than the freehold estate the Applicant might subject itself to less compensation payable to respective landowners.

The Applicant considers that the principal benefit of this Article will be to enable the Applicant to create rights over any part of the Order land so as to enable the acquisition of required rights to protect statutory undertakers apparatus. It is necessary to

apply this against the whole of the Order land as whilst it is not impractical to show and describe such rights against such apparatus according to the records that are readily available, it is often the case that upon detailed inspection apparatus is located otherwise than indicated in recorded documentation. Also, apparatus not recorded might be buried and found by the Applicant during detailed design. It is therefore not possible for the Applicant to place reliance on the records of apparatus and detail in any certainty at this stage the precise location of all statutory undertakers apparatus and therefore the precise areas of land that require creation of rights. As such it is necessary to apply this right over the Order land in its entirety to cover off the potential scenario where apparatus is found buried without recorded documentation or counter to recorded documentation.

ExQ1	Question to:	Question:
Q9.1.30	Article 35 - Temporary use of land for maintaining the authorised development  The Applicant	The EM [APP-020] paragraph 4.138, provides that the undertaker may take temporary possession (TP) of land within the Order limits, as required for the purpose of maintaining the authorised development at any time within a period of five years from the date on which that part of the authorised development is first opened for use.  Please explain further the need for this power and justify the period of time within which this power may be exercised?

### Applicant Response

The **Explanatory Memorandum (3.2, APP-020)** sets out that this Article provides that the undertaker may take temporary possession of land within the Order limits, as required for the purpose of maintaining the authorised development at any time within the maintenance period which the **draft Development Consent Order (3.1, Rev 2)** sets out as five years from the date on which that part of the authorised development is first opened for use. This is a reasonable approach as a 5 year maintenance period is a standard period being set in at Article 29 of the model provisions and has been used on many other National Highways Development Consent Orders, including Article 34 of the A417 (Missing Link) Order 2022, and other orders as set out in the Applicant's **Explanatory Memorandum (3.2, APP-020)**. In addition, this aligns with **Requirement 6**, in **Schedule 2** in the **draft Development Consent Order (3.1, Rev 2)** where the Applicant must replace any tree or shrub planted as part of the landscaping scheme that within a period of 5 years after planting, is removed dies or becomes seriously damaged. The Applicant must retain this period at least to cover this requirement.

ExQ1	Question to:	Question:
Q9.1.31	Article 35 - Temporary use of land for maintaining the authorised development The Applicant	The EM [APP-020 paragraph 4.139 explains that Article 35 (4) restricts the power so that the undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken. However, there is no back-stop period within which the maintenance activities must be completed and hence no encouragement for the undertaker to cease possession of the land sooner than later. Does that represent a reasonable approach and explain why a long-stop date by which the TP of this land must cease cannot be included?
<b>Applicant Response</b>		
<p>The Applicant acknowledges that there may be a scenario whereby the Applicant takes temporary possession of land during the maintenance period but that due to possible delays or the nature of those works it would be reasonably necessary to continue temporary possession past the maintenance period in order to finish those works. In this instance, the Applicant's actions are limited in that the Applicant may only remain in possession where it is reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken. It would not be reasonable to include a back stop as this might cause the Applicant to have to give up temporary possession mid way through whatever process of maintenance it began. The Applicant's temporary possession is subject to paying compensation under <b>Article 35(6)</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> and therefore the Applicant will bear a financial burden in taking possession.</p>		
ExQ1	Question to:	Question:
Q9.1.32	Article 36 – Statutory Undertakers The Applicant	<p>The EM [APP-020 paragraph 4.144, states that reference is made to the Order land in this article so that this power is not restricted to apparatus which has been specifically shown on the Land Plans[APP-006] and described in the BoR [APP-024].</p> <p>Please provide further details to explain why it is impractical to show and describe all such apparatus at the outset?</p>

Applicant Response		
<p>Whilst the Applicant could show and describe all such apparatus according to the records that are readily available, it is often the case that upon detailed inspection apparatus is located otherwise than indicated in recorded documentation. Also, apparatus not recorded might be buried and found by the Applicant during detailed design. It is therefore not possible for the Applicant to place reliance on the records of apparatus. As such it is necessary to apply this right over the Order land in its entirety to cover off the potential scenario where apparatus is found buried without recorded documentation or counter to recorded documentation.</p>		
ExQ1	Question to:	Question:
Q9.1.33	Article 36 – Statutory Undertakers  The Applicant	Please note that where a representation is made under section 127 PA2008 and has not been withdrawn, the Secretary of State will be unable to authorise Article 29 unless satisfied evidence that the tests in section 127 would be met. Where appropriate, the Applicant is requested to provide evidence that the tests in sections 127 or 138 PA2008, as appropriate, would be met.
Applicant Response		
<p>The Applicant is currently progressing Protective Provisions with Southern Gas Networks plc, Southern Water and the Environment Agency. The Applicant has not been approached to negotiate bespoke protective provisions with any other party to date. These are in an early stage of negotiation and remain in draft. The Applicant does not wish to disclose outstanding areas of disagreement of a draft agreement with the ExA in order that the position of the parties can remain confidential until the provisions are agreed. In terms of wider engagement, the Applicant does not have any formal SoCG with Southern Gas Networks plc or Southern Water, but the current status of negotiations as regards land interests can be found at the Applicant's updated <b>Annex C</b> of the <b>Statement of Reasons (4.1, Rev 2)</b>. For an update as to the status of negotiations with the Environment Agency please see the Applicant's <b>Statement of Common Ground with the Environment Agency (Document Reference 7.12.4)</b> as submitted at Deadline 2.</p>		

The Protective Provisions for electricity, gas, water, and sewerage undertakers in Part 1 and for operators of the electronic communications code networks in Part 2 are on standard terms for National Highways Development Consent Orders. The Applicant is not aware that any concerns about the provisions in Part 1 or Part 2 have been raised by affected statutory undertakers other than those who the Applicant is already engaging with to negotiate bespoke protective provisions.

**Article 36** of the **draft Development Consent Order (3.1, Rev 2)** provides that the Applicant may acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belong to statutory undertakers; and extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land. Therefore, sections 127 and 138 of the *Planning Act 2008* apply in equal measure to all the interests listed in **Annex C** of the **Statement of Reasons (4.1, Rev 2)**. **Column 5** of **Annex C** of the **Statement of Reasons (4.1, Rev 2)** sets out the relevant plots where there is apparatus held by statutory undertakers. **Annex A** of the **Statement of Reasons (4.1, Rev 2)** sets out the extent of works in each plot.

ExQ1	Question to:	Question:
Q9.1.34	Article 36 – Statutory Undertakers The Applicant	Please identify the relevant Statutory Undertakers where Protective Provisions have not yet been agreed and provide an update on the progress of such negotiations.

### Applicant Response

The Applicant is currently actively progressing Protective Provisions with Southern Gas Networks plc, Southern Water and the Environment Agency. The Applicant has not been approached to negotiate bespoke protective provisions with any other party to date. The draft Protective Provision are in an early stage of negotiation but it is anticipated that agreement will be reached during the course of the examination.

ExQ1	Question to:	Question:
Q9.1.36	Part 6 Operations - Article 39 -	The EM [APP-020] paragraph 4.158, makes reference to the Hedgerow Regulations 1997. Explain why this power is necessary in relation to hedgerows given the existing powers available to the Applicant to remove hedgerows under those regulations?

	Felling or lopping of trees and removal of hedgerows  The Applicant	
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**Applicant Response**

The Applicant acknowledges that **Paragraph 4.158** in the **Explanatory Memorandum (3.2, APP-020)** states that **Article 39** of the **draft Development Consent Order (3.1, Rev 2)** authorises the removal of any hedgerow as defined in the *Hedgerow Regulations* (1997). This is incorrect, the Article only authorised those hedgerows that are set out in **Schedule 8** of the **draft Development Consent Order (3.1, Rev 2)**. The power is sought specifically over these hedgerows as these have been identified as requiring removal as preliminary design. The power is required as the permitted work under Regulation 6 of the *Hedgerow Regulations* (1997) is subject to any prohibition or restriction imposed by or under any other enactment or by any agreement. The Application requires the power to remove any prohibition or restriction in the cases set out in **Schedule 8** of the **draft Development Consent Order (3.1, Rev 2)**. The Applicant is not aware at this time of any such prohibition or restriction, but it is necessary to acquire this right to guard against its possibility.

ExQ1	Question to:	Question:
Q9.1.37	Part 6 Operations - Article 39 -  Felling or lopping of trees and removal of hedgerows  The Applicant	Notwithstanding the details provided in Schedule 8 of the draft DCO [APP-019], please explain in detail why it is necessary to partially remove the important hedgerows specified in that schedule?

**Applicant Response**

Effects on H6 and H7 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) would comprise partial removal, a result of the modification to the landform at those locations and the introduction of the M3 Junction 9 south



bound off slip and access from the new Bridleway between Easton Lane and Long Walk, and Easton Lane / the new link to the M3 J9 walking, cycling and horse-riding underpass. These losses will also facilitate construction access between the main construction compound, and the areas to the north of Easton Lane. The reported partially reversible and partially--permanent effects are a result of the physical loss and partial replanting of these features at this location.

Loss of features H1, H2 and H3 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) are associated with providing construction access for construction vehicle movements beneath the existing M3 underpass along Long Walk. Hedgerows H1 and H3 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) are considered to be a partially-reversible loss as they will be replanted following completion of construction works. However, H2 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) will be a permanent loss as it is necessary to facilitate the new access for the Bridleway between Long Walk and Easton Lane.

ExQ1	Question to:	Question:
Q9.1.38	Part 6 Operations - Article 39 -  Felling or lopping of trees and removal of hedgerows  The Applicant	The ExA also notes that the draft DCO [APP-019] Schedule 1 also includes as authorised development, in connection with the construction of any of the works, further development within the Order limits consisting of “(k) the felling of trees and hedgerows”. Please justify the inclusion of this as part of the authorised works and explain the relationship between this provision and Article 39 and Schedule 8?

### Applicant Response

The inclusion of the felling of trees and hedgerows in **Schedule 1** in the **draft Development Consent Order (3.1, Rev 2)** serves to clarify that such works are authorised under **Article 5** and ensures that those works are subject to the requirements set out in **Schedule 2** of the **draft Development Consent Order (3.1, Rev 2)**. The power set out in **Article 39** of the **draft Development Consent Order (3.1, Rev 2)** clarifies and restricts the felling and lopping of trees; further, the **Article** clarifies that the Applicant may remove important hedgerows which are then identified in **Schedule 8** of the **draft Development Consent Order (3.1, Rev 2)** which makes explicit reference to the protected trees and hedgerows to be removed plans which details where such hedgerows are. This plan is a certified document under the Development Consent Order.

ExQ1	Question to:	Question:
Q9.1.39	Article 40 Trees subject to Tree Preservation Orders  The Applicant	The EM [APP-020], paragraph 4.159, states that the undertaker may fell or lop any tree described in Schedule 9, cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub. Notwithstanding the details provided in Schedule 9, please specifically identify the trees concerned by reference to a plan and explain why in practice it is anticipated that this power is necessary to carry out the works in respect of the trees for the reasons authorised.
<b>Applicant Response</b>		
<p>As identified on the <b>Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)</b> the Tree Protection Order at this location is only partially represented, with the larger part of this Tree Protection Order group historically removed. Trees and vegetation located within the same geographical area are more likely present as part of vegetation planted as part of the highway estate, rather than the trees originally protected which are more visually apparent to the south of the order limits within the neighbouring Tesco car park. However, without the power set out in <b>Article 40</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> the Applicant would require a separate tree preservation order in order to do works to those trees set out in <b>Schedule 9</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>. In order to provide the Applicant with sufficient powers to expediently and efficiently implement and construct the authorised development it is necessary for the Applicant to acquire those rights necessary to construct the authorised development in full and minimise resource to secondary consents. This is an approach that has been established in the model provisions and numerous Development Consent Order since, as set out in the <b>Explanatory Memorandum (3.2, APP-020)</b>. Therefore, the Applicant considers the powers contained in <b>Article 40</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> to be necessary and proportionate.</p> <p>Tree Preservation Order (00039-2003-TPO) partially covered by tree group G43(B) which identified ash, sycamore, yew, hawthorn, field maple, English oak, elder, blackthorn requires partial removal to facilitate construction of the proposed walking cycling and horse-riding route to Easton Lane via the underpass beneath the M3 Junction 9 roundabout, and construction of the roundabout.</p>		

ExQ1	Question to:	Question:
Q9.1.40	Part 7 Miscellaneous and General -Article 42 application of landlord and tenant law The Applicant	Please explain why this Article is necessary allows the terms of the lease to override any statutory provisions relating to landlord and tenant law given the particular circumstances of this project?
<b>Applicant Response</b>		
<p>The Article allows leasing of part of the Nationally Significant Infrastructure Project without compliance with landlord and tenant law. It is not appropriate in the case of a Nationally Significant Infrastructure Project where the benefit of the Development Consent Order is being transferred in accordance with <b>Article 10</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>. In addition, a highway is a very specialised use and it is therefore reasonable that the standard landlord and tenant provisions do not apply. The Applicant needs to be able to enter into agreements with operators on bespoke terms which are not overridden by general landlord and tenant law provisions given the nature of the property.</p>		
ExQ1	Question to:	Question:
Q9.1.41	Article 43 – Operational land for purposes of the 1990 Act The Applicant	<p>The EM [APP-020], paragraph 4.165, states that the effect of this article is that the land within the Order limits is to be treated as the operational land of a statutory undertaker for the purposes of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015/596.</p> <p>Please explain why this Article is necessary to ensure that the full range of permitted development afforded to under that Order are enjoyed given the particular circumstances of this scheme?</p>
<b>Applicant Response</b>		

As set out in the **Explanatory Memorandum (3.2, APP-020)** this Article was included in the model provisions. This ensures that the Order limits, being the land required for the Scheme are all treated as operational land under the Town and Country Planning Act 1990. This Act sets out specific rules for the planning regulation of operational land for statutory undertakers.

ExQ1	Question to:	Question:
Q9.1.42	Schedule 2 – Requirements The Applicant	The EM [APP-020], paragraph 5.5, states that the requirements provide that the various schemes, details and plans to be approved must, where appropriate, reflect the measures included in the ES. The requirements also provide that the approved schemes, details and plans must be implemented as approved, unless further amendments to them are approved and a general provision to this effect is provided at Requirement 17. Requirement 17 relates to 'Further information'.  Please explain how it secures the matters referred to in the EM paragraph 5.5?

#### Applicant Response

The Applicant is unclear at what is being asked. **Requirement 17** of the **draft Development Consent Order (3.1, Rev 2)** sets out that the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider any application under the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q9.1.43	Schedule 2 – Requirements –Article 11 - Traffic management The Applicant	This article states that no part of the authorised development is to commence until a traffic management plan for the construction of that part of the authorised development has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority.  Please confirm if this is intended to be for work on the trunk road network or any road.

#### Applicant Response

This will be for work on any highway. Given this the Applicant has proposed consultation requirement with the local highway authority.

ExQ1	Question to:	Question:
Q9.1.44	Schedule 2 – Requirements – Article 13 - Surface water drainage The Applicant	This article states that no part of the authorised development is to commence until written details of the surface water drainage system have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority, the lead local flood authority and the EA.  Please explain why the local highway authority is not included in the list of consultees as they will also be the maintaining authority for part of the development.

**Applicant Response**

The Applicant confirms this is an omission linked to **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, whereby the lead local flood authority and the highway authority roles are both held by Hampshire County Council. The Applicant has revised **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** to include the highway authority, and this is submitted at Deadline 2.

ExQ1	Question to:	Question:
Q9.1.45	Requirement 3 – EMP The Applicant	The EM [APP-020], paragraph 5.9, indicates that Requirement 3 also specifies the authorised working hours during construction, which are to be from 07:00 to 19:00 on Mondays to Friday and 07:00 to 13:00 on Saturdays, with no working hours on Sundays and public holidays with certain permitted exceptions.  Please justify and explain why these working hours regarded as reasonable given the relationship between the site and residential properties in some locations.

		Please also justify the exceptions sought to those working hours, and the anticipated duration of the exceptions 3(2)(b) (i) to (iv)?
<b>Applicant Response</b>		
<p>The Applicant's position to the proposed working hours falls within the standard working hours for most industries. The hours provide the optimum daylight to complete outdoor works. Additionally, working during these hours avoids peak traffic times, which can help with transportation and logistics. In relation to residential properties, a Section 61 Application under <i>Control of Pollution Act 1974</i> for the works would be made (prior consent for work on construction sites) and agreed with Winchester City Council, and further controlled through the Noise and Vibration Management Plan secured by the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>.</p> <p><b>Section 2.8.45 of Chapter 2 (The Scheme and its Surroundings) of the Environmental Statement (ES) (6.1, APP-043)</b> notes the exceptions that are likely to require works outside of the core working hours. These works will include the installation of structures including the River Itchen footbridge, gyratory installation and demolition, retaining structures on the carriageway and the M3 underpass which will require extended working hours. <b>Section 2.8.6 Chapter 2 (The Scheme and its Surroundings) of the Environmental Statement (ES) (6.1, APP-043)</b> also notes the possibility of working outside the core hours to allow for major concrete pours to be completed to a sufficient finish and enabling earthworks to continue post the core working hours. <b>Table 3.5 in the Outline Traffic Management Plan (7.8, Rev 1)</b> states carriageway and slip road closures and provides explanation for the exceptions to these working hours and the expected duration of these exceptions.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.46	Requirement 5 – Landscaping  The Applicant	The EM [APP-020], paragraph 5.16, states that Requirement 5 differs from the model provisions in that the undertaker is also required to carry out surveys prior to commencement, and the landscaping scheme that is prepared must be based on the environmental masterplan and the results of those surveys. Whilst 5(2) does indeed state that: "The landscaping scheme prepared under sub-paragraph (1) must be based on the EMP (First Iteration) and the results of the surveys undertaken under subparagraph (1)", 5(1) does not on its face include any requirement to undertake surveys.

		Please explain how this aspect of the requirement is secured?
<b>Applicant Response</b>		
The requirement to undertake surveys is secured through <b>Requirement 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> which requires the second iteration Environmental Management Plan (siEMP) to be prepared in accordance with the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> . Entry LV1 in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> contains the commitment to undertake the photographic and topographical surveys prior to the commencement of detailed design.		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.47	Requirement 5 – Landscaping The Applicant	Should the landscaping scheme also be required to include the following:  “(g) landscaping works associated with any fences and walls (as appropriate)”?
<b>Applicant Response</b>		
Fencing is secured through <b>Requirement 7</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b> .		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.48	Requirement 6 – Implementation and maintenance of landscaping The Applicant	The EM [APP-020], paragraph 5.17 Requirement 6 provides for the implementation and maintenance of landscaping in accordance with the scheme approved under Requirement 5. Sub-paragraph (3) provides for the replacement of trees and shrubs which become diseased or damaged within a period of 5 years after planting. Notwithstanding the inclusion of this requirements in the model provisions,  Please consider whether a 10 year maintenance period might be more appropriate in the particular circumstances of this case?

### Applicant Response

**Requirement 6** of the **draft Development Consent Order (3.1, Rev 2)** includes provision for replacement of planting which is removed, dies, or becomes damaged or diseased, during the establishment period of the first 5 years following completion of the construction of the Scheme. Advanced planting for some planting plots will result in a longer establishment period as these plots will be implemented at an earlier phase of the construction programme.

With reference to maintenance, **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)** identifies that during the 5-year establishment period the Scheme would be maintained and managed in accordance with the objectives and prescriptions set out in the Landscape and Ecological Management Plan (LEMP) to be produced and included in the second iteration Environmental Management Plan (siEMP), undertaken by the Principal Contractor responsible for the implementation of the Scheme. Following the completion of the establishment period the Principal Contractor will produce the third iteration Environmental Management Plan (tiEMP) which would include an update of the Landscape and Ecological Management Plan (LEMP). The Landscape and Ecological Management Plan (LEMP) will set out the future maintenance, management, and monitoring requirements which will be the responsibility of National Highways or relevant highway authority as part of the management of the wider road network, which will continue in the long term for 20 years, which confirms a longer period of maintenance than 10 years.

ExQ1	Question to:	Question:
Q9.1.49	Requirement 8 Land and groundwater contamination The Applicant	Whilst it is noted that the EA is included as a consultee under this requirement, should it also include provision for the (2) The undertaker must provide to the planning authority and the EA a copy of any risk assessment referred to in sub-paragraph (1) as soon as reasonably practicable after its completion.

### Applicant Response

The Applicant is not clear on what is being asked. There is a requirement to undertake a risk assessment in agreement with the relevant planning authority and the Environment Agency. Where remediation is necessary under (2), it would only be necessary in the event of contaminated material being identified under (1) and thus a risk assessment would have been undertaken prior



to any remediation. The programme for remediation is also prepared in consultation with the Environment Agency and the relevant planning authority and therefore these parties are involved in identifying risks of remediation.

ExQ1	Question to:	Question:
Q9.1.50	Requirement 9 – Archaeology The Applicant	9(6) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be discussed with the City Archaeologist. Rather than discussions should this not be included as mandatory provision?  How would any resources be secured – included in a S106?

#### Applicant Response

The Applicant considers that the wording is sufficiently precise to ensure that a commitment to long-term storage of the archaeological archive. However, the Applicant will seek confirmation from the City Archaeologist to that effect and include any agreement in the **Statement of Common Ground with Winchester City Council (Document Reference 7.12.1)**.

The Applicant and its archaeological advisors will further explore options for long term-storage and funding as required once finds are discovered as this will determine cost capacity and other factors. These options will be included within the detailed mitigation strategy which will be prepared during detailed design of the Scheme.

ExQ1	Question to:	Question:
Q9.1.51	Requirement 10 Protected species The Applicant	Please consider whether the written scheme should be submitted to and approved in writing by the SoS after consultation with NE otherwise no independent review of the scheme?

#### Applicant Response

Due to the need to stop construction works in the event that any protected species are identified, it is not considered reasonable to gain the Secretary of State's approval of any written scheme. Where any protected species are located the Applicant would have to liaise with Natural England to obtain any necessary and relevant licences, to the extent that works anticipated are require them. Consequently, it is not necessary for Natural England to approve any written scheme as they control the licensing scheme that would sit above any written scheme.

ExQ1	Question to:	Question:
Q9.1.52	Requirement 13 – surface water drainage The Applicant	Should this also include provision for the surface water drainage system to be thereafter maintained in good working order?

#### Applicant Response

The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** secures at MON2, the monitoring of operational mitigation measures including sustainable drainage systems. The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** secures at MON6 that structures of the Scheme will be inspected in accordance with the Design Manual for Roads and Bridges (DMRB) CS 450 Inspection of highway structures (Highways England, 2021). There would be a General Inspection every two years and a Principal Inspection every six years (in place of the General Inspection that two-year period). The purpose of this is to monitor the condition of the structure and identify any potential need for maintenance, which might arise as a result of deterioration from climatic changes. The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** is a certified document and will inform the second iteration Environmental Management Plan (siEMP) which must be approved by the Secretary of State in consultation with the local planning authority and local highway authority prior to commencement.

ExQ1	Question to:	Question:
Q9.1.53	Requirement 14 – Noise mitigation The Applicant	Whilst there is provision in this article for the noise mitigation to be retained, should it also include provision for it to be maintained in good working order?

**Applicant Response**

The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** sets out in respect of standard temporary boundary fences that these will be maintained to an acceptable standard. National Highways' standard approach is to re-surface roads using a like-for-like solution. A change in road surface type would require a Departure of Standards application, which would need to be justified. In addition, the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** commits to frequent maintenance of plant and equipment. Therefore, the requirement for maintenance of 'good working order' is not anticipated to be required. Where noise mitigation has been identified it is secured in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and that document considered ongoing maintenance where required. The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** secures at MON6 that structures of the Scheme will be inspected in accordance with the Design Manual for Roads and Bridges (DMRB) CS 450 Inspection of highway structures (Highways England, 2021). There would be a General Inspection every two years and a Principal Inspection every six years (in place of the General Inspection that two-year period) which would involve full access to all parts of the bridge. The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** is a certified document and will inform the second iteration Environmental Management Plan (siEMP) which must be approved by the Secretary of State in consultation with the local planning authority and local highway authority prior to commencement.

ExQ1	Question to:	Question:
Q9.1.56	Additional requirements The Applicant and BNP Paribas on behalf of Royal Mail	The Royal Mail RR [RR-083] seeks specific requirements to protect its future ability to provide an efficient mail sorting and delivering service during the construction of the scheme. Please indicate whether the safeguards sought have been agreed and if an additional requirement is sought then please provide that in draft form.

**Applicant Response**

The Applicant has responded to RR-083 as submitted at Deadline 1 in **Response to the Relevant Representations (8.2, REP1-031)** and will set out the safeguards Royal Mail require in the **Outline Traffic Management Plan (7.8, Rev 1)**.

ExQ1	Question to:	Question:
Q9.1.57	Section 106 and other agreements The Applicant	Please indicate whether it is anticipated that any s106 or other agreements will be required to secure mitigation and other matters that are considered to be necessary in connection with the scheme? If so, please provide an update in relation to their progress. If a s106 agreement is being pursued, please provide an initial draft agreement in response to this question.
<b>Applicant Response</b>		
The Applicant is not anticipating any section 106 or other agreement be required to secure mitigation.		
ExQ1	Question to:	Question:
Q9.1.58	Schedule 3 Part 1 The Applicant	The draft DCO [APP-019] Schedule 3 Part 1, Table states : 'M3 northbound carriageway from a point 540 metres from the proposed M3 Junction 9 gyratory southern bridge to the proposed A34 northbound diverge between point 30 and 23 of sheets 6 and 8 of the classification of road plans, comprising 878 metres.'  This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) –please clarify and amend as necessary.
<b>Applicant Response</b>		
<b>Table 1 in Schedule 3 in the draft Development Consent Order (3.1, Rev 2) has been revised for submission at Deadline 2.</b>		
ExQ1	Question to:	Question:
Q9.1.59	Schedule 3 Part 1 The Applicant	The draft DCO [APP-019] Schedule 3 Part 1, Table states : M3 southbound carriageway from a point 1066 metres from the proposed M3 Junction 9 gyratory northern bridge to a

		<p>point 790 metres from the proposed M3 Junction 9 gyratory southern bridge between point 34 and 35 on sheets 5 and 8 of the classification of road plans, comprising 1984 metres</p> <p>This is shown on sheets 8,7, 6 and 5 (although the ref numbers are only shown on sheets 8 and 5) –please clarify and amend as necessary.</p>
<b>Applicant Response</b>		
<b>Table 1 in Schedule 3 in the draft Development Consent Order (3.1, Rev 2) has been revised for submission at Deadline 2.</b>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.60	Schedule 3 Part 1 The Applicant	<p>The draft DCO [APP-019] Schedule 3 Part 1, Table states : M3 southbound merge from a point 182 metres from the proposed M3 underpass southern portal to a point 782 metres from the proposed M3 Junction 9 gyratory southern bridge between point 18 and 36 on sheet 6 and 8 of the classification of road plans, comprising 1311 metres.</p> <p>This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) –please clarify and amend as necessary.</p>
<b>Applicant Response</b>		
<b>Table 3 in Schedule 3 in the draft Development Consent Order (3.1, Rev 2) has been revised for submission at Deadline 2.</b>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.61	Schedule 3 Part 4 The Applicant	<p>The draft DCO [APP-019] Schedule 3 Part 4, Table states : Easton Lane northbound from a point 126 metres from the proposed M3 Junction 9 gyratory southern bridge to a point 145 metres from the proposed M3 Junction 9 gyratory southern bridge between point 46 and 47 on sheet 7 of the classification of road plans, comprising 38 metres.</p> <p>Please confirm that point 47 in the correct place on the plan.</p>

Applicant Response		
<p>Ongoing discussions are taking place between National Highways and the Local Highway Authority (Hampshire County Council) regarding assets to be maintained by Hampshire County Council upon completion of the M3 Junction 9 Improvement Scheme. <b>Point 47</b> in the <b>Classification of Road Plans (2.8, Rev 1)</b> showed Easton Lane as being a Classified Road to the proposed M3 Junction 9 roundabout gyratory give way road markings. This has now been revised and <b>Point 47</b> in the <b>Classification of Road Plans (2.8, Rev 1)</b> will terminate at the Inscribed Circle Diameter of the M3 Junction 9 gyratory roundabout. <b>Sheet 7</b> in the <b>Classification of Road Plans (2.8, Rev 1)</b> has been revised accordingly.</p>		
ExQ1	Question to:	Question:
Q9.1.62	Schedule 3 Part 5 The Applicant	<p>The draft DCO [APP-019] Schedule 3 Part 5, Table states : M3 northbound between point 45 and 25 on sheets 8 and 6 of the speed limit plans, comprising 876 metres.</p> <p>This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) –please clarify and amend as necessary.</p>
Applicant Response		
<p><b>Table 5</b> in <b>Schedule 3</b> in the <b>draft Development Consent Order (3.1, Rev 2)</b> has been revised for submission at Deadline 2.</p>		
ExQ1	Question to:	Question:
Q9.1.63	Schedule 3 Part 5 The Applicant	<p>The draft DCO [APP-019] Schedule 3 Part 5, Table states : M3 southbound between point 49 and 50 on sheets 5 and 8 of the speed limit plans, comprising 1980 metres.</p> <p>This is shown on sheets 8,7, 6 and 5 (although the ref numbers are only shown on sheets 8 and 5) –please clarify and amend as necessary.</p>
Applicant Response		
<p><b>Table 5</b> in <b>Schedule 3</b> in the <b>draft Development Consent Order (3.1, Rev 2)</b> has been revised for submission at Deadline 2.</p>		

ExQ1	Question to:	Question:
Q9.1.64	Schedule 3 Part 5 The Applicant	<p>The draft DCO [APP-019] Schedule 3 Part 5, Table states : M3 southbound onslip merge between point 19 and 52 on sheets 6 and 8 of the speed limit plans, comprising 1305 metres.</p> <p>This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) –please clarify and amend as necessary.</p>
<b>Applicant Response</b>		
<p><b>Schedule 3 Part 5, Table</b> in the <b>draft Development Consent Order (3.1, Rev 2)</b> has been revised for submission at Deadline 2.</p>		
ExQ1	Question to:	Question:
Q9.1.65	Schedule 3 Part 8 The Applicant	<p>The draft DCO [APP-019] Schedule 3 Part 8, Table states : Cycle track between the Cart and Horses Junction (Kings Worthy) to the existing NCN Route 23 adjacent to Tesco and the proposed gyratory between points 16, 4 and 15 as shown on sheets 3 and 7 of the rights of way and access plans, comprising 2606 metres.</p> <p>This is shown on sheets 3,5,6,7 (although the ref numbers are only shown on sheets 3 and 7) – please clarify and amend as necessary.</p>
<b>Applicant Response</b>		
<p><b>Table 8</b> in <b>Schedule 3</b> in the <b>draft Development Consent Order (3.1, Rev 2)</b> has been revised for submission at Deadline 2.</p>		
ExQ1	Question to:	Question:

Q9.1.66	Schedule 3 Part 8 The Applicant	The draft DCO [APP-019] Schedule 3 Part 8, Table states : "Bridleway between the proposed gyratory and Easton Lane between point 3 and 4 as shown on sheet 7 of the rights of way and access plans, comprising 277 metres."  Point 3 is on sheet 4 (believe this should be sheet 6)and not shown on sheet 7 – please clarify and amend as necessary.
<b>Applicant Response</b>		
<b>Table 8 in Schedule 3 in the draft Development Consent Order (3.1, Rev 2) has been revised for submission at Deadline 2.</b>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.67	Schedule 3 Part 8 The Applicant	The draft DCO [APP-019] Schedule 3 Part 8, Table states : Bridleway between Easton Lane and Long Walk between point 1 and 2 on sheet 4, 6 and 7 of the rights of way and access plans, comprising 1197 metres.  Sheets should be 4,5,6 and not 4,6,7 – please clarify and amend as necessary.
<b>Applicant Response</b>		
<b>Table 8 in Schedule 3 in the draft Development Consent Order (3.1, Rev 2) has been revised for submission at Deadline 2.</b>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.1.68	Schedule 4 Part 2 The Applicant	The draft DCO [APP-019] Schedule 4 Part 2, Table states : "Between point 51 and 52 on sheet 3 of the classification of road plans, comprising 33 metres." on the plan this is shown as points 50 and 51 – please clarify and amend as necessary.
<b>Applicant Response</b>		



**Schedule 4 Part 2 Table** in the **draft Development Consent Order (3.1, Rev 2)** has been revised for submission at Deadline 2.

ExQ1	Question to:	Question:
Q9.1.69	Schedule 4 Part 1 The Applicant	The draft DCO [APP-019] Schedule 4 Part 1, The 3 last rows on the table relate to PRow. Please confirm that the reference points between the table and plans are detailed correctly and that the substitute lengths are correctly referenced. Please amend as necessary.

**Applicant Response**

**Schedule 4 Part 1 Table** in the **draft Development Consent Order (3.1, Rev 2)** has been revised for submission at Deadline 2.

**2.10 Flood Risk, Groundwater and Surface Water**

ExQ1	Question to:	Question:
Q10.1.1	Consultation The Applicant	Paragraph 13.2.1 and Table 13.1 of Chapter 13 of the ES [APP-054] states that the EA were last consulted in 2021. There are a number of comments in Consultation Report Appendix K [APP-038] which suggest that further feedback and consultation is required with the EA.  Please update the ExA on the status of the consultation

**Applicant Response**

Since 2021 and the consultation listed in the Consultation report **Appendix K (Summary of Relevant Responses to the 2021 Statutory Consultation and 2021 Targeted Consultation)** of the **Consultation Report (5.1, APP-038)**, the Applicant has continued to engage with the Environmental Agency to progress all matters and confirm a Statement of Common Ground

(SoCG). In addition, regular project update meetings have been held between the Project Team and the Environment Agency with meeting minutes agreed between all parties.

The Environmental Agency has reviewed all submission documents in relation to the Water Environment (**Flood Risk Assessment (7.4, AP-157)**, **Water Framework Directive Assessment (7.7, APP-160)**, **Appendix 13.2 (Hydrogeological Risk Assessment)** of the **ES (6.3, APP-144 – APP-145)**, **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 – APP-143)**, and **Chapter 13 (Road Drainage and the Water Environment)** of the **ES (6.1, APP-054)**. The Applicant provided responses to all points raised by the Environment Agency in relation to these documents on 4 May 2023.

Since 2021, the Applicant has also undertaken extensive liaison with the Environment Agency with regards to the drafted **Consents and Agreements Position Statement (3.3, APP-021)** which lists all licences and permits required for the construction and operation of the Scheme. Discussions with the Environment Agency have confirmed that the Environment Agency is content to allow the disapplication of Flood Risk Activity Permits, with the addition of Protective Provisions.

A Record of Engagement Table is included in the Environment Agency's Statement of Common Ground (SoCG), refer to **Table 2.1** in the **Statement of Common Ground with the Environment Agency (Document Reference 7.12.4)** which has been requested and submitted at Deadline 2 on the 15 June 2023.

ExQ1	Question to:	Question:
Q10.1.2	Assessment methodology The Applicant, Hampshire County Council	Section 13.4 of the ES Chapter [APP-054] explains that although the findings of the initial ground investigation works undertaken to inform the design of the Proposed Development did not cover the entire application site it is considered that they provide sufficient detail to allow a robust assessment of potential impacts at this stage.  Please can the EA and HCC (as Lead Local Flood Authority) confirm whether it considers that the works undertaken are sufficient to identify all of the relevant hydrological receptors that may be affected by the Proposed Development.

### Applicant Response

Whilst this question is addressed to the Applicant, the Applicant believes that it was intended for Hampshire County Council and the Environment Agency only.

However, the Applicant can confirm that the **Appendix 13.2 (Hydrogeological Risk Assessment)** of the **ES (6.3, APP-144)** has been reviewed and accepted by the Environment Agency. Please refer to **Table 3.1** in the **Statement of Common Ground with the Environment Agency (Document Reference 7.12.4)** that is being submitted at Deadline 2. **Appendix 13.2 (Hydrogeological Risk Assessment)** of the **ES (6.3, APP-144)** is based on data available at the time of drafting including the Ground Investigation. Similarly, meetings have been held with the Environment Agency to discuss the findings of the Ground Investigation and no concerns have been raised by the Environment Agency on the scope of the Ground Investigation works.

ExQ1	Question to:	Question:
Q10.1.3	Flooding The Applicant	Paragraph 13.6.49 of Chapter 13 of the ES [APP-054] states that the flood zones within the study areas are shown in ES Figure 13.1 (Study Area and Receptors) [APP-075] however this does not seem to be the case. It is accepted that the flood zones are shown in Appendix A of the FRA.  Please update the figure or Chapter 13 accordingly to ensure this is clarified.

### Applicant Response

**Figure 13.1** in **Chapter 13 (Road Drainage and the Water Environment – Figures)** of the **ES (6.2, Rev 1)** has been updated to also show the Environment Agency Flood Zones mapping for submission at Deadline 2.

ExQ1	Question to:	Question:
Q10.1.4	Mitigation The Applicant	Paragraph 13.8.22 of Chapter 13 of the ES [APP-054] states that dewatering in the River Itchen will be required for drainage outfall and headwall construction. As this is very high sensitivity operation, please provide details of designs, outline method statements and other information provided to the EA and explain how this will be secured in the DCO.

## Applicant Response

Further details on the proposed methodology to be used for the construction of the drainage outfall and headwalls are provided in **Appendix 2.1 (Drainage Outfall Methodology Optioneering Report)** of the **ES (6.3, APP-079)**. The report reviews safe systems of work for isolating each outfall area including the temporary works which have physical interaction with the River Itchen required to install permanent works. It also considers methods for returning the dewatered area with minimal silt disturbance via use of settlement tanks or similar, and provides typical design details for the drainage outfalls. The Environment Agency has reviewed and commented on this document and a response was provided from the Applicant on 4 May 2023. The key points from the Applicant's response are summarised below.

The Environment Agency will be consulted on the precise control mechanisms and design proposals when finalised. Detailed drawings of the outfalls will be available towards the end of Detailed Design, likely November/December 2023.

As noted in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and subsequently agreed with the Environment Agency, in-river working required for installation of drainage outflows will avoid sensitive periods (1 October to 31 May inclusive for salmonid fish, and 15 March to 15 June inclusive for cyprinid fish).

A Risk Assessment and Method Statement will be prepared for specific construction activities including work on the drainage outfall prior to the works commencing, including environmental protection and mitigation measures and emergency preparedness appropriate to the activity covered. Method Statements will be included at Appendix N of the second iteration Environmental Management Plan (siEMP). A detailed Method Statement will be developed in line with Environment Agency Protective Provisions. The **Statement of Common Ground with the Environment Agency (Document Reference 7.12.4)** which has been requested at Deadline 2 on the 15 June 2023 confirms that the essential mitigation measures stated in **Chapter 13 (Road Drainage and the Water Environment)** of the **Environmental Statement (ES) (6.1, APP-054)** has been agreed with the Environment Agency as appropriate.

The second iteration Environmental Management Plan (siEMP) would be implemented during the construction of the Scheme and is secured through a **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1

Question to:

Question:

Q10.1.5	Assessment of likely significant effects The Applicant	<p>Paragraph 13.9.20 of Chapter 13 of the ES [APP-054] states that a HEWRAT assessment has not been specifically undertaken for the construction works to assess the impact of the construction works on the ground water and that the mitigation measures proposed would ensure no measurable impact upon the aquifer and groundwater receptors.</p> <p>Please explain what assumptions about mitigation have been made to form this assessment.</p>
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### Applicant Response

To assess the impact of the construction works on groundwater, it was assumed that all of the proposed mitigation measures outlined in the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** (including **Appendix J (Temporary Construction Drainage Strategy)** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**) will be put in place to ensure good pollution control practice during construction of the proposed Scheme. This conclusion has been reviewed by stakeholders including the Environment Agency and will be developed further for the second iteration Environmental Management Plan (siEMP).

Further to **Appendix J (Temporary Construction Drainage Strategy)** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, an Emergency Spill Response Plan, Erosion Prevention and Sediment Control Plan and Foundation Works Risk Assessment are all to be prepared, and will form Appendices H, I and M respectively, of the second iteration Environmental Management Plan (siEMP).

The second iteration Environmental Environment Plan (siEMP) would be implemented during the construction of the Scheme and is secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question
Q10.1.6	Water Quality The Applicant	Please explain if any discussions have been progressed with regard to potential enhancements which would support improvements to water quality in the River Itchen catchment within or out with the application boundary.

### Applicant Response

There have not been any specific discussions with key stakeholders (Environment Agency and Lead Local Flood Authority) with regards to potential enhancements and improvements to water quality in the River Itchen as a result of proposals associated with the Scheme.

The embedded mitigation measures set out in **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 - APP-143)** for managing surface water runoff from the road includes provisions of measures for treatment of surface water at multiple stages which will avoid adverse operational impacts (associated with a reduction in water quality from pollution events such as traffic collisions) and should provide an improvement to on the existing situation.

Treatment of run-off before discharge proposals include: over-the-edge drainage of run-off from carriageways on embankments to filter strips and to infiltration ditches; and collection of run-off at carriageway edges in linear drains, gullies or filter drains. Run-off would be piped to: Attenuation and Primary Settlement treatment in filtration forebays and unplanted, lined extended detention basins; Attenuation, Secondary Settlement and Filtration treatment in vegetated extended detention basins, containing both wet and dry habitats; and Tertiary treatment in a grassed swale prior to discharge to the River Itchen.

The Scheme proposals include drainage discharges running off across granular soils and over a far greater area of infiltration than at present. This will lessen the risk to groundwater compared to the existing M3 Junction 9 drainage configuration.

ExQ1	Question to:	Question:
Q10.1.7	Flood Risk Activity Permit (FRAP) The Applicant	In light of the Applicant's proposal to disapply the need to obtain a FRAP for the proposed new River Itchen cycle/footbridge, please could the Applicant provide the additional information to the Examination as requested by the EA in its RR [RR-027].

### Applicant Response

Discussions with the Environment Agency have confirmed that they are content to allow the disapplication of Flood Risk Activity Permit's, with the addition of Protective Provisions.

The Applicant's written response to the Relevant Representation is summarised below which was submitted at Deadline 1 in **Response to the Relevant Representations (8.2, REP1-031)**:

- Full design and method statements will be confirmed during Detailed Design with Method Statements developed and works undertaken in line with Environment Agency Protective Provisions.
- A Risk Assessment and Method Statement will be prepared for specific activities, including work on the new River Itchen cycle/footbridge, prior to the works commencing. This will include environmental protection and mitigation measures and measures to ensure emergency preparedness appropriate to the activity covered. Method Statements will be included at Appendix N of the second iteration Environmental Management Plan (siEMP).

ExQ1	Question to:	Question:
Q10.1.8	Flood and Water Quality The Applicant	Please detail the maintenance regime for the proposed road drainage system and explain how this will ensure the flood and water quality assessments will remain relevant; or signpost the ExA to where this can be found.  Please also explain how this is secured in the DCO.

### Applicant Response

Table 8.1 of **Appendix I (Proposed M3J9 Runoff Pollution Assessment Method and Control Measures Technical Note)** of **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-143)** provides a maintenance schedule. The proposed schedule demonstrates that the performance of highway drainage and Sustainable Drainage Systems (SuDS) components can be maintained at a sufficient level to implement the removal rates for the pollutant types assessed, over the lifetime of the network.

The maintenance schedule in **Table 8.1 of Appendix I (Proposed M3J9 Runoff Pollution Assessment Method and Control Measures Technical Note)**, of **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-143)**, lists the key maintenance activities that will be required, the frequency they will need to be undertaken and the organisation that will be responsible.

It is proposed to monitor sediment in the primary vertical filtration areas (sediment forebays). Once replacement frequencies are monitored, filter media grading can be reviewed to increase replacement frequencies if required.

It is also proposed to periodically test sediment forebay and detention basin sediments for contaminant loadings against contaminated land quality standards. This will ensure that the need for filter matrix replacement or sediment removal to meet contamination standards is also captured. The regime for testing and replacement or removal of SuDS materials will be subject to a methodology agreed with the Environment Agency.

The SuDS and Drainage Strategy Management and Maintenance Schedule included in **Section 8 of Appendix I (Proposed M3 J9 Runoff Pollution Assessment Method and Control Measures Technical Note) of Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-143)** outlines the regime that the Highway Authority would comply with in terms of inspection and maintenance of each drainage asset. This is included in entry WE4 of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and is secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

The second iteration Environmental Management Plan (siEMP) will be used on site to manage environmental measures and commitments. Prior to construction being completed the second iteration Environmental Management Plan (siEMP) will be developed into a third iteration Environmental Management Plan (tiEMP) to support future management and operation of the Scheme, to include management and maintenance measures required. The Scheme will then be operated and maintained in accordance with the third iteration Environmental Management Plan (tiEMP) issued at the end of construction. The second iteration Environmental Management Plan (siEMP) (and therefore subsequent third iteration Environmental Management Plan (tiEMP)) is secured through a **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

## 2.11 Historic Environment

ExQ1	Question to:	Question:
Q11.1.2	Mitigation The Applicant, Winchester City	The ES - Appendix 6.8: Archaeology and Heritage Outline Mitigation Strategy [APP-096], paragraph 5.1.1, states that: "In order to make the material publicly available the detailed mitigation package will allow for deposition of the archive, either at a local repository with



	Council, Historic England, South Downs National Park Authority	<p>sufficient space or explore the possibility of contributing to a cultural collecting infrastructure fund". The draft DCO [APP-019] Requirement 9(6) provides that: "On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be discussed with the City Archaeologist".</p> <p>Please comment as to whether that drafting is sufficiently precise to enable this provision to be effectively enforced and indicate the means whereby any suitable resources and provision for long-term storage would be arranged and funded.</p>
<p><b>Applicant Response</b></p>		
<p>The Applicant considers that the wording is sufficiently precise to ensure that a commitment to long-term storage of the archaeological archive. However, the Applicant will seek confirmation from the City Archaeologist to that effect and include any agreement in the <b>Statement of Common Ground with Winchester City Council (Document Reference 7.12.1)</b>.</p> <p>The Applicant and its archaeological advisors will further explore options for long term-storage and funding as required once finds are discovered as this will determine cost capacity and other factors. These options will be included within the detailed mitigation strategy which will be prepared during detailed design of the Scheme.</p>		
<p><b>ExQ1</b></p>	<p><b>Question to:</b></p>	<p><b>Question:</b></p>
<p>Q11.1.3</p>	<p>Mitigation The Applicant</p>	<p>The ES - Appendix 6.8: Archaeology and Heritage Outline Mitigation Strategy [APP-096], paragraph 3.1.1, states that: "... design of all surfacing and resurfacing will aim to reduce noise and will have a heritage benefit."</p> <p>Please specify and explain further the use of noise attenuating road surfaces to reduce noise pollution close to designated heritage assets and the extent of any reduction that would be achieved together with a list of the heritage assets that would benefit as a result of that noise reduction.</p>
<p><b>Applicant Response</b></p>		

On busy high-speed roads, the majority of noise usually comes from vehicle tyres on the road surface, and such noise generally has a negative effect on the setting of heritage assets being a modern and intrusive sound element which may affect their setting. This would not have been experienced when the heritage assets were originally built. Noise associated with the A33, A34 and M3 was apparent at the heritage assets which were visited for the cultural heritage assessment as set out within **Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**.

Noise attenuating or low-noise road surfaces can significantly reduce noise levels/ pollution around heritage assets reducing the intrusiveness of vehicle noise. Noise attenuating or low-noise road surfaces have been included as embedded mitigation to reduce general noise impacts associated with the operation of the Scheme. The results of noise modelling undertaken for the assessment in **Section 11.9 of Chapter 11 (Noise and Vibration)** of the **Environmental Statement (ES) (6.1, APP-052)** and shown in **Figures 11.19 to 11.22 of Chapter 11 (Noise and Vibration - Figures)** of the **ES (6.2, Rev 1)** indicate a negligible to moderate decrease in noise in parts of the Kings Worthy and Abbots Worthy Conservation Areas and at associated buildings. **Paragraph 6.9.30 in Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)** addresses the impacts during operation of the Scheme upon the Kings Worthy Conservation Area and notes that resurfacing could result in a decrease in noise as an intrusive element of the Conservation Area's setting.

ExQ1	Question to:	Question:
Q11.1.4	NPSNN The Applicant	<p>The ES NPSNN Accordance Table [APP-155] does not include NPSNN paragraph 5.130 which makes reference to the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, and the contribution of their settings.</p> <p>Please correct this omission and indicate whether the scheme would enhance the significance of any heritage assets and, if not, why can this not be achieved?</p>

### Applicant Response

Modern road infrastructure is often an intrusive and negative element to the setting of heritage assets, separating them from historically associated land, introducing modern infrastructure and vehicles into views to and from the heritage assets and/or increasing modern vehicular noise. No opportunities to enhance the significance of heritage assets or the contribution of their setting were identified, although opportunities to better reveal their significance through public art, QR codes, push notifications,

interpretation boards and the technical reports resulting from the archaeological fieldwork which will be defined by the detailed mitigation strategy and as outlined within **Appendix 6.8 (Archaeology and Heritage Outline Mitigation Strategy)** of the **ES (6.3, APP-096)** have been identified and included within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The Scheme has been specifically designed to limit or avoid, as far as possible, impacts upon the historic environment and will not result in any significant adverse effects upon any heritage assets, please refer to **Section 6.9 in Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**.

ExQ1	Question to:	Question:
Q11.1.6	Enhancement opportunities The Applicant	<p>The ES Chapter 6 Cultural Heritage [APP-047], paragraph 6.8.10, alludes to several other enhancement opportunities which are noted in the fiEMP [APP-156] including public art, QR codes, push notification and interpretation boards which could form part of trails highlighting the nature of archaeology within the Itchen Valley and area surrounding Winchester.</p> <p>Whilst it is noted that these enhancement measures have not formed part of the ES assessment, please confirm that these opportunities would be pursued and developed during detailed design. If so, can this be made more explicit with a clear commitment in the fiEMP [APP-156]?</p>

**Applicant Response**

These enhancement opportunities were raised and discussed at the stakeholder workshops and the Applicant is committed to exploring these further during detailed design. These opportunities are noted in **Section 6.8 of Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**, **Section 4 of the Appendix 6.8 (Archaeology and Heritage Outline Mitigation Strategy)** of the **ES (6.3, APP-096)** and **Table 3.2 of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The second iteration environmental Management Plan (siEMP) will contain the mechanism in which the Detailed Mitigation Strategy will be agreed and implemented.

ExQ1	Question to:	Question:
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Q11.1.7	NPSNN The Applicant	The ES NPSNN Accordance Table [APP-155] in relation to NSPNN paragraph 5.131 identifies that the scheme would result in changes to a small part of the wider setting of St Gertrude's Chapel (scheduled monument, NHLE: 1005518). Whilst the details set out in ES Chapter 6: Cultural Heritage [APP-047] paragraphs 6.9.3 and 6.9.23 are noted, please summarise, and explain in more detail the slight change to the wider setting of the scheduled monument that would occur and the factors leading to the conclusion that this change would not alter the character of the asset or how its significance is appreciated?
<b>Applicant Response</b>		
<p>The significance of the St Gertrude's Chapel including the contribution made by its setting is detailed in <b>Section 5.3 of Appendix 6.1 (Detailed Cultural Heritage Baseline)</b> of the <b>ES (6.3, APP-089)</b>. In summary the Scheduled Monument is of high value due to its archaeological and historic interests. Its setting is principally defined by its position between the two river channels of the River Itchen on the outskirts of Winchester, a location chosen for its isolated location so inhabitants could have peace and quiet and pray and work without distractions. The water meadows, whilst later in date than the chapel, form part of the immediate setting and is the location from where the historic interests of the monument can be best appreciated. The chapel would have been accessed via a metalled track from Nuns Walk. Taken together these contribute towards to the monument's historic interest and our understanding about the setting of the chapel.</p> <p>However, modern infrastructure and the development of Winchester have encroached on that sense of isolation. The A33, A34 and M3 are audible from the monument; and whilst trees provide a significant amount of screening, the movement of vehicles is still partially visible, especially in the winter months when there are fewer leaves on the trees adjacent to the carriageways. Modern buildings within Winchester and the Winnall Industrial Estate are also visible from the monument: light is emitted from these built-up areas at night.</p> <p>The slight change as described in the cultural heritage assessment relates to the construction and operation of the new roundabout between the A34 and M3 and the new gantries along the carriageways. These are not within its immediate setting but the grassland and trees in this area are visible from the monument, particularly during winter months, and are therefore part</p>		

of the wider setting in which the monument is experienced. There is likely to be a slight increase in noise during construction, and construction works are also likely to be partially visible. However, these effects will be only short term and temporary.

During operation and once landscaping and planting has been established the Scheme will largely be imperceptible from the monument as identified in **Figure 7.14 of Chapter 7 (Landscape and Visual – Figures (Part 3 of 4)) of the ES (6.2, Rev 1)**, and the ability to experience the isolated location of the chapel between the river channels and on the outskirts of Winchester will be restored. As a result, during its operation the Scheme will only have a negligible impact on the monument. However, due to its high sensitivity this has been assessed as having a slight adverse effect on it.

ExQ1	Question to:	Question:
Q11.1.8	Conservation Areas The Applicant	<p>The ES Non-Technical Summary [APP-153] paragraph 4.2.12 indicates that a small section of construction works adjacent to the A33 falls within the Kings Worthy Conservation Area and there would also be works within the setting of the Abbots Worthy Conservation Area.</p> <p>Please specify those key elements of the conservation areas considered to be relevant and explain further and in more detail why it is said that these works would not impact upon those key elements, as identified in the Kings Worthy Conservation Area Technical Assessment (Winchester City Council, 1997), and the Abbots Worthy Conservation Area Technical Assessment (Winchester City Council, 1997), and would therefore, not impact upon the special character and appearance of the conservation areas.</p>

**Applicant Response**

The principal characteristics and setting of the Kings Worthy and Abbots Worthy Conservation Areas are set out in detail in **Appendix 6.1 (Detailed Cultural Heritage Baseline)** of the **ES (6.3, APP-089)** with the impact upon these from construction works along the A33 addressed in **Paragraphs 6.9.12 and 6.9.13 in Chapter 6 (Cultural Heritage)** of the **Environmental Statement (ES) (6.1, APP-047)**.

Map 4 (important walls, unlisted buildings, and features), Map 5 (significant trees groups) and Map 7 (important qualities) of the *Kings Worthy Conservation Area Technical Assessment* and Map 4 (important unlisted buildings, walls and features), Map 5

(significant trees and tree groups) and Map 7 (important qualities) of the *Abbots Worthy Conservation Area Technical Assessment* set out those elements that, together with their listed buildings, make a positive contribution to the special character and appearance of the Conservation Areas. Of particular relevance are the important group of trees along the A33 and the important group of trees and important tree to the north-east of Victoria Cottage at the Cart and Horses Junction. Trees, shrubs and hedges are identified as making a valuable contribution towards the character of the Conservation Area. The Technical Assessments also note key views towards and across this junction between the Conservation Areas.

Those elements of the Scheme along the A33 will involve minor works associated with installation of new signage, creation of a new cycle and pedestrian route, and new access to the business units to the south-west of the Kings Worthy Conservation Area. It is noted that works to realign/reinstate a pedestrian footpath will require the removal of three trees (one category B [T73 - an ash] and two category C [T68 & T69 – laburnum]), see **Appendix 7.5 (Preliminary Arboricultural Impact Assessment)** of the **ES (6.3, APP-101)**. While these trees do form part of an alignment of trees which enhances the Conservation Area (specifically forming a visual backdrop and demarking the edge of the River Itchen), their loss would not erode the overall experience of the Conservation Area nor reduce the signposting of Conservation Area boundary and River Itchen by the remaining trees, which include an alignment of trees which will be retained (G54, G55, G56, G57, G58, G59, G60, T67, T70, T71 and T72).

Resurfacing works will not involve the removal of the groups of trees and therefore will not impact upon their contribution towards the special character and appearance of the Conservation Area. Temporary construction activities associated with the minor works at this location are unlikely to negatively affect the key views across the Cart and Horses Junction which already takes large volumes of traffic travelling along the A33.

## 2.12 Landscape Impact and Visual Effects and Design

ExQ1	Question to:	Question:
Q12.1.1	Design approach The Applicant	The NPSNN sets out criteria for “good design” for national network infrastructure. P and paragraph 4.28 states that visual appearance should be a key factor in considering the design of new infrastructure. The ES Non-Technical Summary [APP-153] paragraph 2.4.1, explains the design features that have been developed and incorporated into the

		<p>scheme, and the NSPNN Accordance Table [APP-155] sets out the Applicant's position in relation to this paragraph.</p> <p>However, given the sensitive location of the Application Site and its re with the SDNP, further details are sought:</p> <ul style="list-style-type: none"> <li>▪ Please summarise the means by which the Scheme's design has taken into account aesthetics including its contribution to the quality of the surrounding area.</li> <li>▪ Please indicate the extent to which the Applicant has made use of professional, independent advice on the design aspects of the scheme and explain how good design principles have been embedded into the proposal.</li> <li>▪ Please summarise and explain how the design process has been conducted to date and how the proposed design has evolved.</li> <li>▪ Please indicate the regard that has been had to 'Design Principles for National Infrastructure', published by the National Infrastructure Commission (February 2020) in respect of Climate, Places, People and Value in the design of the scheme.</li> </ul>
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**Applicant Response**

**Point 1**

The **Design and Access Statement (7.9, APP-162)** provides narrative on the design approach. A series of high-level design principles form the design strategy for the Scheme. Key principles include a landscape led strategy and placemaking which recognize the challenge and opportunities of the surrounding environment including the South Downs National Park and other environmental designations. Consideration of the key landscape characteristics within the defined Landscape Character Areas is an important consideration in ensuring that the Scheme contributes to the qualities of the surrounding environment. These are set out in **Section 5.5** of the **Design and Access Statement (7.9, APP-162)** with respect to the Itchen Valley Floor, Itchen Valley Sides and East Winchester Open Downland in which the Scheme is located.

In response to the aesthetics of the scheme in recognition of the South Downs National Park, the Scheme seeks to positively respond to the designations special qualities as follows:

*Diverse, inspirational landscapes and breath-taking views:* The design proposals minimise visibility of the highway (due to its position at a relatively low elevation. Proposals for topographical and earthworks remodelling on the eastern side of the Scheme reinforce the existing characteristic of the open downland landscape. Together with woodland planting adjacent to the highway and within the Itchen valley, this encourages views away from the highway and towards the surrounding South Downs National Park and the Winchester townscape skyline.

*A rich variety of wildlife and habitats including rare and internationally important species:* The Scheme seeks to minimise land take within the South Downs National Park and minimizing impacts upon the designated Special Areas of Conservation and Sites of Special Scientific Interest, through considered surface water drainage attenuation features. Maximising areas for the creation of chalk grassland on the open downlands, with a combination of species-rich grassland with chalk grassland characteristics and woodland and scrubland within the Itchen Valley also serve to reinforce the characteristics of these landscapes, and at the same time support ecological connectivity. The Scheme proposals achieve a positive biodiversity net gain which will support the variety of wildlife and habitats within the South Downs National Park through the landscape and ecological design measures referred to above.

*Tranquil and unspoilt places:* Maximising retention of trees and vegetation along the Itchen Valley (where tranquillity is most apparent within the Application Boundary) will improve the perception of this characteristic. Similarly, landform remodelling on the eastern side of the Scheme adjacent to and within the South Downs National Park serves to provide screening of the highway. Lighting will also be sensitively sited and designed to minimise intrusion where the surroundings are relatively unspoiled.

*An environment shaped by centuries of farming and embracing new enterprise:* Minimising impacts on the most versatile farmland through a reduction in the Application Boundary, and also through returning temporarily acquired agricultural land once the Scheme is operational.

*Great opportunities for recreational activities and learning experiences:* The walking, cycling and horse-riding facilities around and within the Scheme will be retained and upgraded. This includes National Cycle Network (NCN) Route 23, with a widened 4m underpass and 3m route either side of the M3 Junction 9 gyratory, a new minimum 3m wide (increasing to 4m) combined footway and cycleway for the western side of the Scheme is proposed to link the A33 / B3047 Junction to Winnall Industrial Estate situated on Easton Lane, and an additional 3m wide bridleway (with unbound surfacing) on the eastern side of the



Scheme to link Easton Lane with Long Walk for walkers, cyclists and horse-riders. The provision of new routes increases opportunities for recreational experiences with access from Winchester to the South Downs National Park, whilst the design of these routes provides for an improved user experience.

*Well-conserved historical features and a rich cultural heritage:* The Scheme design respects the setting of historical assets, including Conservation Areas, listed buildings and ancient monuments as well as the South Downs National Park, whilst reinforcing relationships with local heritage where achievable. This includes promoting views to Winchester from the newly created chalk grassland downland slopes within the South Downs National Park.

### Point 2

The **Design and Access Statement (7.9, APP-162)** provides narrative on the design approach. A series of high-level design principles form the design strategy for the Scheme, and this document provides a framework for good design which has been central to the design approach.

A series of guidance documents including CABI's '*A Design-led Approach to Infrastructure*' and National Highways '*Road to Good Design*' are acknowledged within the Statement. These guidance documents set out a series of design principles, and the design rationale for the Scheme sets out how the design has responded to these principles in seeking to achieve good design.

Throughout the design process the Applicant's environmental team has been integral to the design development and design decision process, working alongside the Design Team. A Highways England Design Review Panel was conducted on 30 March 2021 prior to the statutory consultation to help inform the design development at that stage. Following statutory consultation, the Applicant has regularly engaged with South Downs National Park Authority (SDNPA), including its landscape architect, to discuss design developments following statutory consultation feedback, with the outcomes of this engagement informing the final design and mitigation proposals.

### Point 3

Design development is described in **Chapter 3 (Assessment of Alternatives)** of the **Environmental Statement (ES) (6.1, APP-044)** and in the **Design and Access Statement (7.9, APP-162)**.

#### Point 4

The **Design and Access Statement (7.9, APP-162)** provides narrative on the design approach. A series of high-level design principles which form the design strategy for the Scheme. In response to principles of Climate, Places, People and Value contained within the 'Design Principles for National Infrastructure', published by the National Infrastructure Commission (February 2020) the **Design and Access Statement (7.9, APP-162)** includes principles which align with these, as follows:

**Climate:** The principle of Sustainable Design seeks to embed the understanding of climate change into the Scheme, ensuring that the sustainability life cycle is a fundamental consideration. Environmental and sustainability expertise has been utilised throughout the Scheme development, and **Chapter 14: Climate** of the **Environmental Statement (ES) (6.1, Rev 2)** provides an assessment of the Scheme's greenhouse gas whole lifecycle emissions and the Scheme's vulnerability to climate change. The chapter also sets out measures to mitigate these effects.

**Places:** The principles of a landscape-led strategy and placemaking, seek to create an identity for the Scheme, within a distinct landscape. The Scheme's design is influenced by its environment beyond the extent of the Application Boundary. Collaborative and inclusive design ensures that the design fits with strategies at the national, regional, and local levels and considers the needs of stakeholders. With respect to local character, principles have informed the design response for each respective Landscape Character Areas including the Itchen Valley Floor, Itchen Valley Sides, and the East Winchester Open Downland. The Scheme achieves a biodiversity net gain and includes features which support ecology and biodiversity including chalk grassland creation. As documented in the **Consultation Report (5.1, APP-025)** a wide range of consultation has been undertaken to support the design development.

**People:** As documented in the **Consultation Report (5.1, APP-025)** a wide range of consultation has been undertaken to support the design development and take steps to mitigate negative impacts. This includes a series of consultation events with the parish councils, and a recent public consultation event in September 2022. The principle of enhancing user experience, seeks to ensure the Scheme delivers improvements for the local community. The walking, cycling and horse-riding facilities around and within the Scheme will be retained and upgraded to improve connectivity including to and within the South Downs National Park.

**Value:** The principle of Collaborative Design seeks to embed a coordinated approach to design enabling the most viable options to be determined bringing the skills and specialisms of a wide variety of technical specialists together to resolve

problems, and minimize impacts and maximize benefits, including as an example the creation of chalk grassland in the east downland landscape. This approach has been supported by consultation with stakeholders throughout the process.

ExQ1	Question to:	Question:
Q12.1.2	Design Approach The Applicant, South Downs National Park Authority, Hampshire County Council, Winchester City Council	Whilst it is recognised that given the nature of the development there may be a limit on what can be achieved in terms of the aesthetics of certain aspects of the infrastructure, notwithstanding the details provided in the Design and Access Statement [APP-162] which sets out the high level principles that have driven the design of the scheme, has consideration been given the production of a specific 'design code' or 'design approach document' which would establish the approach to delivering the detailed design specifications such as bridges, and fencing and choice of materials which could be secured by a draft DCO requirement?

### Applicant Response

A Design Strategy is included within the submitted **Design and Access Statement (7.9, APP-162)** which set out a range of design principles which have informed the design in the aim of avoiding and minimizing harm. This is realised through **Figure 2.3 in Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** which sets out a range of embedded and essential environmental mitigation measures for landscape. Taken together these could be regarded as 'design approach documents'. Otherwise, a design code has not been produced for the Scheme.

**Schedule 2** of the **draft Development Consent Order (3.1, Rev 2)** includes a series of Requirements which require consultation to be undertaken with the relevant planning authority and local highway authority and approval by the Secretary of State. This includes Requirement 12 to ensure the delivery of the detailed design, and Requirement 5 for the delivery of the detailed landscape design proposals, which must be based on the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** which commits to a number of Environmental Actions and Commitments (**Table 3.2**).

The Applicant maintains that these requirements both comprise 'design approach documents' and also negate the need for a design code, which may be unnecessarily constraining in view of the variation in the landscape setting of the Scheme and the need to maintain a degree of flexibility for the later stages of design and construction of this Scheme.

ExQ1	Question to:	Question:
Q12.1.4	Design Approach The Applicant	<p>The Design and Access Statement [APP-162] advises that a Highways England Design Review Panel was completed on 30 March 2021. The Review Panel recommended that: "the team now focus particularly on the most appropriate way to place the engineering into the landscape". The Review Panel also highlighted the need to think about climate change and to look for further positive opportunities:</p> <ul style="list-style-type: none"> <li>▪ Please summarise and explain how the design of the scheme has achieved these design aims?</li> <li>▪ Please identify all aspects of design that reflect the need to accommodate climate change.</li> <li>▪ Following the Design Review Panel response what further positive design opportunities have been achieved?</li> </ul>

### Applicant Response

The following measures have been adopted in response to comments of the Design Review Panel:

- Subsequent design amendments that have been included in the Scheme design include: sympathetic earthworks design for the eastern slopes, removal of the need for spoil deposition areas, adjustments to the landscape strategy, incorporation of proposed woodland within the Itchen Valley, (re)establishment of chalk grassland on downland slopes, reduction of the proposed compound footprint, and additional areas of retained vegetation.
- As set out in **Section 14.6 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)**, the following climate adaptation measures have been incorporated into the design of the Scheme:

- The Scheme has been designed in accordance with UK and British Standards, including BS EN 1991-1-5:2003 in relation to thermal action and BS EN 1991-1-4:2005. The design standards increase durability by requiring reinforced concrete elements for the effects of early thermal cracking and incorporated well-detailed weathering steel elements.
- The attenuation storage within the system is designed to have a capacity to accommodate a 1 in 100-year flow event, with a climate change allowance of 40%.
- The Scheme has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) CD356 Design of highway structures for hydraulic action (Highways England, 2020) allowing to +120% climate change allowance for the bridge soffit height.
- **Appendix 13.1 (Drainage Strategy Report)** of the **ES (6.3, APP-142 and APP-143)** sets out how the Scheme integrates Sustainable Drainage Solutions (SuDS) which include basins, swales and filter drains.
- The substantial green infrastructure provision within **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** would create multi-functional habitat corridors across the Scheme and would link to the wider landscape. A diverse selection of species is proposed, including suitable seed mixes of chalk grassland species, native broadleaved woodland, and a mosaic of native scrub. The incorporation of a variety of species as well as the selection of low maintenance habitats provides greater climate resilience as there would be less needed to water the planting during periods of low rainfall or drought. The Scheme's planting specifications would be provided at detailed design stage and will accord with the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** and as part of **Requirement 5** of the **draft Development Consent Order (3.1, Rev 2)**, to provide resilience to potential climate change effects.
- **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)** has been prepared which includes the appropriate establishment and management of new landscape planting and features in accordance with relevant best practice and standards. Suitable management of the proposed landscaping would help to ensure the long-term success of the planting. The duration of management and monitoring for each landscape/ecology element created or enhanced is 25 years from completion of the authorised development. The proposed planting and management include several measures that are recommended in Natural England's Climate Change Adaption Manual (NE751) (Natural England, 2021), such as selecting a greater mix of native trees and shrubs.

- Following the Design Review Panel and statutory consultation, the Applicant, through a series of workshops and open engagement, worked with the South Downs National Park Authority in developing proposals to address concerns raised including removal of proposed artificial earthworks on the high flank of the downland, and removal of the spoil deposition areas. Instead site-gained material has been used to aid visual screening of the highway corridor through the implementation of sympathetically designed earthworks which reflect the existing landform in supporting visual screening and integrating the highway corridor into its landscape context. Design solutions for the landform proposals and the attenuation basin located adjacent to Easton Lane, and the infiltration feature and swale located alongside the proposed bridleway to the East of the M3 corridor, were explored with the South Downs National Park Authority.

Additionally, during preliminary design, the Applicant worked with the South Downs National Park Authority in developing proposals for the bridleway located between Easton Lane and Long Walk. This had previously been identified as a footway link and was designated a Bridleway following consultation responses. As part of the design development the selected route provided a design solution which balances between promoting accessibility for all users with minimising land take and landform modifications within the South Downs National Park. Its position maximises screening of the existing M3 corridor and proposed Scheme (landform and proposed soft landscape proposals), whilst providing a variety of visual experiences and views of the wider South Downs National Park for users. The position of the new landforms also reflects a central location within the chalk grassland landscape which responds positively to the objectives of the South Downs National Park in promoting opportunities for the public understanding and enjoyment of the special qualities of the South Downs National Park, specifically its rich variety of wildlife and habitats. Further detail on the approach is set out in **Design and Access Statement (7.9, APP-162)**.

ExQ1	Question to:	Question:
Q12.1.5	Landscape and Visual Effects The Applicant	In the light of the NPSNN, paragraph 5.148, please explain how the requirements set out in Defra's English national parks and the broads: UK government vision and circular 2010 or successor documents have been fulfilled?

### Applicant Response

Paragraph 5.148 in the *National Policy Statement for National Networks (NPS NN)* states that: 'For significant road widening or the building of new roads in National Parks and the Broadlands applicants also need to fulfil the requirements set out in Defra's

*English national parks and the broads: UK government vision and circular 2010 or successor documents. These requirements should also be complied with for significant road widening or the building of new roads in Areas of Outstanding Natural Beauty.'*

The Applicant's position is that this policy does not apply to the Scheme. This policy is intended to capture projects which are constructing major new roads or significantly widening existing roads in the National Park. While sections of the existing M3 and A34 roads are within the South Downs National Park the Scheme is focused on improvement works associated with the existing M3 Junction 9. The Scheme is improving the junction and realigning the highway network and while this does involve small areas of widening and new carriageway it is not undertaking works of the nature anticipated by this policy.

However, if this policy did apply the Applicant has set out below how it would demonstrate compliance with paragraph 5.148.

The Applicant understands that the 2010 version is the circular currently in place, and that there is no successor document at present. Paragraph 5.147 of the NPS NN refers to the duties under section 11A of the National Parks and Access to Countryside Act 1949 for statutory undertakers to have regard to the purposes of the National Park, in relation to works to, or so as to affect land in a National Park.

Section 5 and 6 of the circular are titled 'Authorities' and 'Governance' and have therefore not been considered relevant to the Applicant. Section 1 and 2 are the 'Preamble' and 'Introduction and background', no requirements are contained herein and have therefore not been considered other than in general terms.

Section 3 sets the vision for National Parks and is relevant to bodies with an influence on the management of these special areas. The Scheme has had regard to this vision and has considered the special qualities of the South Downs National Park in designing the Scheme – this is outlined in **Section 7.6 of Chapter 7 (Landscape and Visual) of the Environmental Statement (ES) (6.1, Rev 1)**.

Section 4.1 of the circular relates to the two purposes of the National Park, including conserving and enhancing natural beauty, wildlife, and cultural heritage of the Parks. As well as promoting opportunities for understanding and enjoyment of the special qualities of the Parks by the public. Sections of the existing M3 and A34 roads are within the South Downs National Park. Permanent land take within the South Downs National Park includes both land to deliver highway improvements to the existing highway network, including to walking, cycling, and horse-riding routes, and to deliver environmental mitigation and

enhancements (in identified locations). A large proportion of the permanent land take within the designation is within the existing highway estate. As outlined in **Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** adverse effects are reported in year 15 on the designation but these are considered not significant. The Scheme design has sought to minimise harm and mitigate effects as far as possible. Taking the Scheme as a whole, it has had regard to the purpose 5(1) of the Act to conserve and enhance the natural beauty, wildlife, and cultural heritage of the South Downs National Park. This is outlined in **Section 7.8 of Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** in relation to the special qualities of the South Downs National Park.

The Scheme has sought to respond to the special qualities of the South Downs National Park in its design. The use of chalk grassland is in response to the landscape character and the Scheme has sought to create enhancements. The improvements to National Cycling Network (NCN) Route 23 and walking routes within the Scheme would promote opportunities for walking and cycling within the South Downs National Park. The Scheme has therefore had regard to purpose 5(2) with respect to promoting opportunities for enjoyment of the special qualities of the park.

Paragraphs 28 – 30 of the circular relate to ‘sustainable development’. The Scheme includes an **Environmental Statement (6.1-6.3, APP-042 - APP-153)** which provides a full assessment of the impacts on the environment. The **Case for the Scheme (7.2, Rev 1)** outlines the strategic objectives for the Scheme and the need for the development of the national networks.

Paragraph 31 relates to Major Developments, and states applications should be ‘*subject to the most rigorous examination and proposals should be demonstrated to be in the public interest before being allowed to proceed*’. A robust, objective and well-researched **Environmental Statement (ES) (6.1-6.3, APP-042 - APP-153)** has been prepared to support the application. **Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** assesses effects upon the South Downs National Park designation, and against its special qualities. As set out in **Design and Access Statement (7.9, APP-162)** a range of design principles have informed the Scheme design in the aim of avoiding and minimising harm on the designation with reference to the special qualities. These include taking the principles referred to in question 12.1.1 above into account in designs for the Scheme.

Section 4.2 relates to ‘climate change’. **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** provides an assessment of the Scheme with respect to climate change.



Section 4.3 relates to a 'healthy natural environment', and 'enhance cultural heritage'. The Scheme would enhance biodiversity as outlined in **Chapter 8 (Biodiversity)** of the **Environmental Statement (ES) (6.1, APP-049)**. **Chapter 9 (Geology and Soils) of the Environmental Statement (ES) (6.1, APP-050)** assesses the impacts on geology and soils.

Section 4.4 relates to 'vibrant, healthy, and productive living and working communities'. **Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)** provides a full assessment of the Scheme impacts in relation to the population and health.

Paragraphs 83 to 93 relate to 'sustainable transport'. Paragraph 85 largely repeats the NPS NN paragraph 5.148 and paragraph 86 states sets out that in the exceptional circumstances where new road capacity is deemed necessary a thorough assessment of the impacts on the loss of environmental value is needed, and measures to minimise damage and enhance the environment should accompany any Scheme. Paragraph 86 also states that consultation with the relevant National Park authorities and the local highway authority at an early stage should be undertaken.

It is noted that the Improvements to M3 Junction 9 are included within the *Solent to Midlands Route Strategy (2017)* and the *Road Investment Strategies 1 and 2 (RIS1 and RIS2)* which respond to a need to upgrade the strategic road network and address the issues of movement between the M3 and A34. Government policy in the form of the NPS NN paragraph 2.10 establishes at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system. **Section 7.3 of the Case for the Scheme (7.1, Rev 1)** outlines the justification for exceptional circumstances for development within the National Park area itself, and responds to paragraph 5.151 of the NPS NN and the wording contained within paragraph 86 of the circular. The Scheme includes an **Environmental Statement (6.1-6.3, APP-042 - APP-153)** which provides a full assessment of the impacts on the environment, mitigation, and enhancements proposed. The South Downs National Park Authority have been consulted throughout the development of the Scheme as outlined in the **Consultation Report (5.1, APP-030)**.

Relevant aspects of Section 4.5 of the circular relate 'to protecting and restoring dark sky', and 'Ensuring Effective Rights of Way Network'. The Scheme minimises installation of new lighting, with features included for safety, these associated with the walking, cycling and horse-riding underpasses and illuminated signage on gantries. The design of lighting has had due regard to the South Downs National Park Dark Skies Technical Advice Note. Please refer to Applicants response to Question 12.1.9 for further information. The Scheme also includes the provision of new walking, cycling and horse-riding routes and connections

within the South Downs National Park. A new traffic free route between Kings Worthy and Winnall is proposed with access to the Itchen Way provided to the west of the M3 corridor, and a new bridleway linking Long Walk and Easton Lane is proposed to the east of the M3 corridor. New improved connectivity across the M3 Junction 9 serves to address historic severance issues for access from Winchester to the South Downs National Park.

ExQ1	Question to:	Question:
Q12.1.6	Landscape and Visual Effects The Applicant	<p>The land within the application boundary partially lies within the SDNP. The ES Non-Technical summary [APP-153], paragraphs 4.3.7 and 4.3.12, confirms that within the SDNP construction activities would result in a moderate adverse effect on the special landscape qualities of the SDNP and the operation of the scheme will result in significant effects on the landscape in winter one year after opening including moderate adverse effects on the landscape character of the SDNP.</p> <p>Given those findings, please explain how the Secretary of State can be satisfied that it would be ensured that the project will be carried out to high environmental standards and set out any proposed measures to enhance the environment.</p>

**Applicant Response**

**Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** provides a robust Landscape and Visual Impact Assessment which has considered effects upon the landscape designation. This designation is awarded a very high level of sensitivity and the magnitude of change varies depending on the location.

A Design Strategy is included within the submitted **Design and Access Statement (7.9, APP-162)** which set out a range of design principles which have informed the design in the aim of avoiding and minimising adverse landscape and visual effects. This is realised through **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** which sets out a range of embedded and essential environmental mitigation measures.

**Appendix 7.6 (Outline Landscape and Ecology Management Plan)** of the **ES (6.3, APP-102)** sets out measures for the maintenance and management of the proposed environmental mitigation measures to ensure their success and that they are delivered to a high environmental standard.

LV3 and B1 in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** state that the detailed Landscape and Ecological Management Plan (LEMP) will include information on the location, number, species, size and planting density of proposed planting, as well as specifications for long term management and monitoring of habitats. The Landscape and Ecological Management Plan (LEMP) will be developed in consultation with stakeholders and its preparation is secured by **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q12.1.7	Landscape and Visual Effects The Applicant	<p>The ES Chapter 7: Landscape and Visual [APP-048], paragraph 7.11.8, indicates that refinement to the scheme design during the detailed design stage could mitigate the reported effects further.</p> <p>Please provide additional details as to how and what further mitigation might be achieved at detailed design stage and how it can be ensured that such further mitigation would be a consideration at that time?</p>

### Applicant Response

The Application includes a robust Landscape and Visual Impact Assessment within **Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** which has considered the worst-case effects of the Scheme based on the preliminary design. As an example, the Scheme assesses the reasonable worst case physical footprint and volume for drainage features and the maximum extent of vegetation removal required to facilitate construction of the Scheme. However, subsequent design development could reduce the significance of adverse effects reported. For example, reduced volumes for the highway drainage features could create more opportunity for additional landscape mitigation including planting. Alternatively, the removal of retaining walls in favour of earthworks features could reduce both the need for some vegetation removal and the

footprint of physical works. Additional planting of marginal land near junctions could also be considered where it would not compromise road safety.

The **Design and Access Statement (7.9, APP-162)** provides narrative on the design approach and includes a series of high-level design principles which form the design strategy for the Scheme. The principle of Collaborative Design has sought to embed a coordinated approach to design enabling the most viable options to be determined bringing the skills and specialisms of a wide variety of technical specialists together to resolve problems and minimise impacts and maximise benefits. This approach would continue during detailed design development. All proposed amendments identified during detailed design are subject to a change control process whereby there is an opportunity to review and record the potential impact of the proposed amendments on all relevant topics including landscape and visual in relation to the **Environmental Statement (ES) (6.1-6.3, APP-042 – APP-153)**.

ExQ1	Question to:	Question:
Q12.1.8	Landscape and Visual Effects The Applicant	The ExA notes from the RR of WCC [RR-102], that they have made further section requests directly to the Applicant and 3D views of gantry signage, bridges and tunnels are required.  Please arrange for those section and 3D views to be submitted to the Examination.

### Applicant Response

The Applicant has liaised directly with Winchester City Council regarding the further requests for sections and 3D views of gantry signage, bridges and tunnels, and directed Winchester City Council to the information which had previously been provided (i.e. sections in **Figure 2.8 of Chapter 2 (The Scheme and its Surroundings – Figures)** the **ES (6.2, APP-064)** and 3D views in **Figure 7.14 of Chapter 7 (Landscape and Visual – Figures (Part 3 of 3))** of the **ES (6.2, Rev 1)**. Winchester City Council has acknowledged that the information was previously provided and has reviewed it. Liaison with Winchester City Council is ongoing.

ExQ1	Question to:	Question:
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Q12.1.9	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.7: Technical Note Lighting Assessment of Gantry Signage [APP-103], paragraph 1.1.1, states that it has focused on the gantry mounted signage elements which are lit to ensure these are designed appropriately in the context of the SDNP Dark Sky Nature Reserve.</p> <p>Please indicate how the proposals for illuminating the signs and the design features which have been assessed, for example the typical arrangement set out in Figure 7.7.1, will be secured through the draft DCO [APP-019]?</p> <p>There are a number of references, for example at paragraph 3.7.4, to matters which “should be considered in detail design PCF Stage 5”.</p> <p>Please explain what reliance can be placed on those lighting design matters being considered further at that stage and how that would be ensured through the draft DCO?</p>
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**Applicant Response**

**Figure 7.7.1 of Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage) of the ES (6.3, APP-103)** is shown as a typical solution which has been assessed as not acceptable for the context of the site adjacent to the South Downs National Park Dark Sky Reserve. The designs will not be delivered as equivalent to **Figure 7.7.1 of Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage) of the ES (6.3, APP-103)**.

**Figure 7.7.2 of Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage) of the ES (6.3, APP-103)** demonstrates that alternative approaches are available which are consistent with the objectives of minimising upward light.

This suggests that viable design alternatives are available to illuminate signage without generating excess upward light in accordance with the *South Downs National Park (TLL-10), Technical Advice Note*. LV24 in **Table 3.2 of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** states that the gantry mounted signage lighting should be designed within the parameters of the Environmental Light Zones in which they are located and in accordance with the *South Downs National Park (TLL-10), Technical Advice Note*.

ExQ1	Question to:	Question:
Q12.1.10	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.7: Technical Note Lighting Assessment of Gantry Signage [APP-103], paragraph 4.1.1, states that the proposed illuminated gantry signs will add lit elements into the currently unlit (from fixed installations) M3 corridor but concludes that, as this is in the context of the townscape and urban edge of Winchester which includes light sources, it is not anticipated to negatively affect or impede on the SDNP dark skies reserve.</p> <p>Please provide further explanation and details to support this conclusion or state whether this is simply a matter of professional judgement.</p>
<b>Applicant Response</b>		
<p>The conclusion is based upon professional judgement using the quantitative data obtained through the reference lighting designs undertaken and qualitative data from the baseline lighting surveys <b>Figure 7.13 of Chapter 7 (Landscape and Visual – Figures (Part 3 of 3))</b> of the <b>ES (6.2, Rev 1)</b>.</p> <p>The development is in close proximity (directly adjacent) to the greater, well-lit urban area of Winchester. As such the quality of the night sky to the western end of the South Downs National Park is heavily influenced by existing light sources and light spill from Winchester. By night the presence of vehicle headlamps is present along the M3, albeit that the frequency and density of vehicles vary. In the context of a major lit urban area and a comparatively high (according to the Motorway classification) density of vehicle headlamps, the addition of approximately 12 new light sources directed downwards and with minimal direct upward light (as demonstrated within indicative designs <b>Figure 7.7.2</b> and <b>Annex 1 (Proposed-Design Values) for GADS003</b>, and <b>Annex 2 (Proposed-Design Values) for GADS004</b> of <b>Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage)</b> of the <b>ES (6.3, APP-103)</b> represents a very small proportional change (increase) to the prevailing lit condition in this area. In a visual context the majority of views from the South Downs National Park within this area would see Winchester (directly or through light presence and skyglow) as either a foreground or background element to the gantry lighting.</p>		

The reference designs for signage lighting **Figure 7.7.2** and **Annex 1 (Proposed-Design Values) for GADS003**, and **Annex 2 (Proposed-Design Values) for GADS004 of Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage)** of the **ES (6.3, APP-103)** show the avoidance of excess direct upward light which, based on the proximity of Winchester as an existing source of upward light, which influences skyglow and causes a reduction in night sky visibility, results in the conclusion that the proposed Scheme will not noticeably or attributably change the dark sky conditions within the South Downs National Park Dark Sky Reserve.

ExQ1	Question to:	Question:
Q12.1.11	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] – Table 1.1: Relevant Mitigation Measures sets out the embedded mitigation which includes modifications to topography and landform and re-profiling of existing landform; the illumination of the carriageway, junctions, underpasses, and gantry-mounted signage. The essential mitigation includes the creation of new areas of chalk grassland and creation of areas of species rich grassland with chalk grassland characteristics. The REAC Tables of the fiEMP [APP-156] items LV1 – LV24 also set out mitigation measures. Notwithstanding the plans and details already submitted:</p> <ul style="list-style-type: none"> <li>▪ Please summarise and indicate including by reference to submitted plans the manner and location of the modifications and re-profiling that would take place.</li> <li>▪ Please confirm the gradients to be achieved in the earthworks integrated into the existing landform and those of land to be returned to agricultural use.</li> <li>▪ Please also indicate how it is intended that all aspects of the embedded and essential mitigation would be secured and enforceable through the draft DCO.</li> </ul> <p>In that respect, are the environmental actions/commitments in the relevant REAC tables drafted with sufficient precision to ensure enforceability?</p> <p>The OLEMP [APP-102] states at paragraph 1.1.4 that “The LEMP would be substantially in accordance with the OLEMP”. The REAC Tables Item LV3 provides for the approval</p>

of the LEMP by the SoS prior to the start of the Proposed Development but does not require it to be substantially in accordance with the OLEMP nor does the Draft DCO R5 mention the OLEMP/LEMP. Should the Draft DCO and/or the REAC Tables include such a specific reference to secure all relevant mitigation referred to in the ES?

### Applicant Response

All modifications to landform are shown on the following documents:

- **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)**, which identifies the existing contours and proposed contours for areas subject to landform reprofiling.
- **Figure 2.8 of Chapter 2 (The Scheme and its Surroundings – Figures)** of the **ES (6.2, APP-064)**, which identify the existing and proposed topography through a number of sections orientated east to west through the Scheme.
- **Figure 2.9 (Finished Level Variance from Existing Level)** of the **ES (6.2, APP-064)**, which show the modified landform through a coloured contour plan identifying the landform changes and the extent of the height variation between the existing and proposed levels.

With reference to the proposed modifications to topography and landform included as embedded mitigation, this relates to the landform modifications to the east of the M3 corridor, between Easton Lane and Long Walk. This is shown on Sheets 2 and 7 of **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)**. Here excavated chalk (from other areas of the Scheme) will be placed, with this undertaken in a positive way. The placement of fill material is demonstrated on **Figure 2.7 (Long Sections) of Chapter 2 (The Scheme and its Surroundings – Figures)** of the **ES (6.2, APP-063)**. The depth of fill varies but is generally up to a maximum of 3m. The design solution is to place the material over a sufficient area size, so that the volume being deposited is blended into the landforms and is reflective of the existing, variable profiles, with proposed landform profiles varying between 1(v) 12(h) to 1(v) 40(h). The placement of fill provides the basis for creation of chalk grassland. This will help to integrate the Scheme into the existing open rolling chalk downland landscape. In specific locations, placement has been increased to maximize opportunities for the introduction of false cuttings, thus maximising screening of the existing M3 and the Scheme. In these locations the depth of fill increases up to 8m above the existing ground level.



In relation to the landform modifications to the east of the M3 corridor, between Easton Lane and Long Walk, in areas to be returned to agriculture the maximum gradient proposed is 1(v) 15(h). For areas of chalk grassland creation, the maximum gradient is 1(v) 12(h). For areas subject to soft landscape planting the maximum gradient proposed is 1(v) 2(h).

It is anticipated that mitigation, whether embedded or essential, would be secured and enforced through **Requirement 5** of the **draft Development Consent Order (3.1, Rev 2)** for the delivery of the detailed landscape design proposals, which must be based on the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** which commits to a number of Environmental Actions and Commitments with reference to entries LV 15, LV 17, LV18, and LV19 which reference to **Figure 2.3 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)**. In addition, **Requirement 5** of the **draft Development Consent Order (3.1, Rev 2)** has been updated to include reference to the Environmental Masterplan **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** to ensure the detailed landscape design is delivered in accordance with the preliminary design.

The Applicant also agrees that reference to the production of a Landscape and Ecological Management Plan should be included in the **draft Development Consent Order (3.1, Rev 2)**. No further amendment is proposed to the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** as entry G7 of **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** includes the wording '*Landscape and Ecological Management Plan will be prepared for the Scheme in accordance with Appendix 7.6 (Outline Landscape and Ecological Management Plan (OLEMP)) of the ES (Document Reference 6.3). The detailed LEMP will be attached at Appendix B of the siEMP*'.

ExQ1	Question to:	Question:
Q12.1.12	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2: Schedule of Landscape Effects explains that the ES assessment of the operational effects by Year 15 places reliance upon the growth and development of structural landscape elements.</p> <p>Please confirm that this has taken into account in the assessment of the potential effects of climate change and that the finding set out would apply both during winter and summer months?</p>

## Applicant Response

It is acknowledged that planting could be affected by climate change. While the exact changes are uncertain, it is anticipated that the Site will experience warmer wetter winters and hotter dryer summers, as well as an increase in the frequency and intensity of extreme weather events such as droughts. **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)** includes appropriate outline establishment and management of new landscape planting and features in accordance with relevant best practice and standards. Suitable management of the proposed landscaping would help to ensure the long-term success of the planting. The duration of management and monitoring for each landscape/ecology element created or enhanced is 25 years from completion of the authorised development. The proposed planting and management include several measures that are recommended in *Natural England's Climate Change Adaption Manual* (NE751) (Natural England, 2021), such as selecting a greater mix of native trees and shrubs.

In addition, **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)** sets out requirements for monitoring to ensure that planting maintenance is successful. It assumes that planting will be successfully established by year 15.

ExQ1	Question to:	Question:
Q12.1.13	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 in the baseline description for the SDNP puts forward the proposition that the application site sits within a narrow band of Environmental Light Zone E2. At operation Year 1 it is acknowledged that light levels would increase because of the new gantry mounted signage, with elevated light sources visible. It is however considered that this would not alter the Environmental Light Zone (E2) in which the gantries are present.</p> <p>Please provide further justification and reasons to support the view that the site sits within E2 and indicate the extent of the area asserted to be within E2.</p>

		<p>In terms of lighting, the conclusion reached is that there would be long-term permanent (but very small scale) effects arising from illumination of the PRow underpasses and gantry mounted signage.</p> <p>Please provide further justification and explanation to support the view that the effects would indeed be very small-scale.</p> <p>It is recognised that light levels would increase within the new underpasses for safety and security reasons. However, the conclusion reached in terms of change is that this would be very small-scale with obtrusive light limited to surrounding environs due to the orientation of the underpass, surrounding landform and landscape screening.</p> <p>Please provide further justification and explanation to support the view that the change would be very small-scale.</p>
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**Applicant Response**

**Section 3.4 in Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage)** of the **ES (6.3, APP-103)** provides an assessment of and justification for the conclusions.

Environmental [Lighting] Zones are narratively defined *within International Commission on Illumination (CIE) Technical Report 150 - Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations, 2nd Edition* and within the UK within *the Institution of Lighting Professionals (ILP) Guidance Note 01 Guidance Note 1* for the reduction of obtrusive light 2021 (ILP GN01).

These narrative descriptions are shown below:

- E0, Protected, Dark Sky Quality Meter (SQM)  $\geq 20.5$  Astronomical Observable dark skies, UNESCO starlight reserves, International dark sky Association (IDA) dark sky places.

- E1, Natural, intrinsically dark SQM 20-20.5, Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc.
- E2, Rural, Low district brightness ~SQM 15 - 20, Sparsely inhabited rural areas, village or relatively dark outer suburban locations.
- E3, Suburban, Medium district brightness, well inhabited rural and urban settlements, small town centres of suburban locations.
- E4, Urban, High district brightness, Town/city centres with high levels of night-time activity.

The South Downs National Park Authority has published the Environmental Lighting Zones for locations within their boundary (including some subdivision of zones) in Figure 2 within its *Dark Skies Technical Advice Note (SDNP, 2021)*. It is however noted that the lit gantry locations do not fall within the boundary of the South Downs National Park.

On the basis of these descriptions, and the presence of the lit gantry features on the perimeter of the South Downs National Park with areas to the east of the M3 defined as zones E1a and E1b, and urban areas of Winchester defined as E3 or E4 to the west of the M3, this leaves the narrow strip of the M3 corridor where there is limited fixed lighting (although plenty of transitory lighting in vehicle headlamps) which falls under the influence of Winchester. As such on a linear gradation of zones it is reasonable to assert that this area falls within E2 "relatively dark outer suburban locations".

It is worth noting that, whilst proposing the location of the gantries as an E2 Environmental Lighting Zone, the reference lighting designs provided in **Figure 7.7.2** and **Annex 1 (Proposed-Design Values) for GADS003**, and **Annex 2 (Proposed-Design Values) for GADS004** of **Appendix 7.7 (Technical Note Lighting Assessment of Gantry Signage)** of the **ES (6.3, APP-103)** seek to minimise upward light and present values consistent with the more stringent E1 Environmental Lighting Zones.

In relation to the South Down National Park designation it is acknowledged that there would be a discernible change to lighting conditions. However, the size and scale of the change is considered very small for the following reasons:

- the proximity of Winchester as an expansive lit area and with a high proportion of upward light, both direct and indirect
- the existing M3 corridor includes light sources through vehicle tail and head lights

- the gantry-lit signage has been designed to minimise upward light, and to be consistent with obtrusive lighting criteria established within Institution of *Lighting Professionals Guidance Note 1 for the reduction of obtrusive light* (2021)
- lighting in the underpasses will be limited to the underpass itself, which in any event are situated at a relatively low elevation in the landscape and typically below the existing carriageway levels in these areas which vary between 45 and 63m.
- the effects on perceptual qualities of proposed lit elements are limited in respect of the South Downs National Park given the position and orientation of the lighting and the perception of these from the South Downs National Park.
- In addition, the underpasses are located in very close proximity to the existing M3 and A34 corridors, in an area already influenced by light sources from vehicles.

ExQ1	Question to:	Question:
Q12.1.14	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 accepts that vegetation losses would continue to be perceivable in the landscape and mitigation planting would not yet have been established by Operation Winter Year 1, resulting in a slight increase in visibility of vehicles on the highway and in the worst case increased audibility of traffic within areas of the SDNP. Whilst the conclusion reached is that there would be negligible changes for the wider designation, in a worst case scenario this would result in perceived decreases to tranquillity within the immediate environs to the scheme.</p> <p>Please indicate whether any other mitigation has been considered and could be utilised in respect of the potential worst case increased audibility of traffic within areas of the SDNP (as reported in Chapter 11 (Noise and Vibration) of the ES [APP-052]) in order to safeguard the tranquillity of the SDNP.</p>

**Applicant Response**

The elevation of the Scheme has been set as low as possible to minimise effect on tranquillity. The design seeks to balance cut and fill across the Scheme. Placement of further fill material as false cuttings was discussed with the South Downs National

Park Authority in August, October and November 2021 however this was considered to leading to further alterations to landform in this sensitive landscape. The use of acoustic fencing was considered to not be appropriate in this location, and changes to audibility are limited (Operational noise effects on public rights of way are presented in **Chapter 11 (Noise and Vibration) of the Environmental Statement (ES) (6.1, APP-052)**. Average noise increases on public rights of way are expected to be below 1 dB, which relates to a negligible impact.). The proposed earthworks do mitigate some of the effects on tranquillity through reduction in visibility and audibility of the M3 corridor and its traffic. However the loss of vegetation in the immediate landscape would result in loss of features which contribute to a sense of tranquillity. Over time, once the mitigation planting is established, visibility will be reduced, and tranquillity will be restored.

ExQ1	Question to:	Question:
Q12.1.15	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 indicates that audibility of traffic by Operation Summer Year 15 would remain as reported at Year 1, but due to the establishment of the proposed landscape mitigation there would be less visibility of traffic from the accessible areas of the designation. It is recognised that whilst there would be improved access to the SDNP from Winchester, these routes may be popular so more people may be present which could impact perceived tranquillity.</p> <ul style="list-style-type: none"> <li>▪ Given that background, please provided further details and explanation to support the assertion that tranquillity within the immediate environs of the scheme would be improved over that experienced at Year 1.</li> <li>▪ Please also summarise and explain the reference to “Long-term beneficial effects on tranquillity within the western part of the South Downs National Park”.</li> </ul>

### Applicant Response

The establishment of proposed landscape mitigation planting along the eastern edge of the highway corridor would further screen visibility of the highway network after year 1. This would reduce the disturbance of man-made features upon users of

the South Downs National Park. The introduction of the chalk grassland on the eastern downland slopes would increase the availability and perception of natural features within the landscape.

The provision of improved connectivity between Winchester and the South Downs National Park may result in additional visitors. However the introduction of additional routes for walkers, cyclists and horse-riders would help to disperse the movement of people across a wider area of the South Downs National Park than is currently available, both along National Cycle Network (NCN) Route 23 and the new bridleway between Long Walk and Easton Lane, and access to the Itchen Way via the new shared cycleway between Kings Worthy and Winnall.

Taking into account the existing baseline where the M3 corridor is a visible and audible feature on the western edge of the South Downs National Park, following establishment of the proposed landscape mitigation planting (both woodland as screening feature, and chalk grassland as a natural feature supporting biodiversity), as well as the modifications to landforms, this part of the South Downs National Park will experience beneficial effects through reduced visibility of man-made features, some reduction in audibility, and the enhanced experience of new natural features provided within the South Downs National Park.

ExQ1	Question to:	Question:
Q12.1.16	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 'Protected trees and vegetation' includes reference to Tree Preservation Orders (TPOs) and Important Hedgerows Area TPO 00039-2003-TPO, located on land on the south-west corner of the existing gyratory roundabout. As identified in Appendix 7.5: Preliminary Arboricultural Impact Assessment (AIA) of the ES [APP-101], TPO 00039-2003-TPO (a small section of tree group 43 (Category B)) would be partially lost as a result of the realigned highway and M3 J9 gyratory.</p> <p>Given that these TPO trees would be partially lost, please explain further the conclusion reached that the effect of the construction activities would be short-term (3 years) and reversible.</p>

**Applicant Response**

As identified on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**, the Tree Protection Order at this location is only partially represented, with the larger part of this Tree Preservation Order group historically removed. Trees and vegetation located within the same geographical area are more likely present as part of vegetation planted as part of the highway estate, rather than the trees originally protected which are more visually apparent to the south of the order limits within the neighbouring Tesco car park.

However, taking a precautionary approach, the assessment acknowledges the loss of the Tree Protection Order features at this location. The assessment acknowledges both short term and reversible effects, and medium to long term partially reversible and partially permanent effects. The short term effects are in relation to disturbance of these features during the construction phase rather than physical removal, with this disturbance ceasing at the end of construction phase. The reported medium to long term partially reversible and partially permanent effects are a result of the physical loss which will be partially replanted to mitigate the loss at this location.

ExQ1	Question to:	Question:
Q12.1.17	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 indicates that the application boundary includes a number of Important Hedgerows (under the Hedgerow Regulations 1997), along Easton Lane (H6 and H7) located east of the existing M3 Junction 9 gyratory, and Long Walk (H1, H2, and H3) as shown on the Protected Trees and Hedgerows to be Removed Plans [APP017]. It is recognised that construction access would result in a number of small sections of hedgerow and hedgerow trees being removed.</p> <p>Please explain further why it is necessary to remove these sections of Important Hedgerows and provide evidence to support the conclusion that the changes would fall into the category of being partially reversible and partially permanent effects?</p>

**Applicant Response**

Effects on H6 and H7 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) would comprise partial removal, a result of the modification to the landform at those locations and the introduction of the M3 Junction



9 southbound off slip and access from the new Bridleway between Easton Lane and Long Walk, and Easton Lane / the new link to the M3 Junction 9 walking cycling and horse-riding underpass. These losses will also facilitate construction access between the main construction compound, and the areas to the north of Easton Lane. The reported partially-reversible and partially-permanent effects are a result of the physical loss and partial replanting of these features at this location.

Loss of features L1, L2 and L3 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) are associated with providing construction access for construction vehicle movements beneath the existing M3 underpass along Long Walk. Hedgerows H1 and H3 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) are considered to be a partially-reversible loss as they will be replanted following completion of construction works. However, H2 (shown on the **Protected Trees and Hedgerows to be Removed Plans (2.13, APP-017)**) will be a permanent loss as it is necessary to facilitate the new access for the bridleway between Long Walk and Easton Lane.

ExQ1	Question to:	Question:
Q12.1.18	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 includes reference to the landscape features within the application boundary and outlines the topography of the landscape within the application boundary.</p> <p>Please explain further the proposals for landform reprofiling and the use of soils and chalk excavated as part of the wider construction works to re-profile the natural landform in this area.</p> <p>How would it be ensured that the raised profile thus created would be in keeping with the overall topographical form of the western slopes of the Downs?</p>

### Applicant Response

The Scheme includes both areas of cut and areas of fill. Given its location, the cutting will generate excavated chalk. Excavated chalk will be placed on the eastern slopes, with the placed in a manner which is appropriate and suitable for creation of chalk grassland. This will help to integrate the Scheme into the existing open rolling chalk downland landscape.

The placement of fill material is demonstrated on **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1), Figure 2.8 of Chapter 2 (The Scheme and its Surroundings - Figures) of the ES (6.2, APP-064), and Figure 2.9 of Chapter 2 (The Scheme and its Surroundings - Figures) of the ES (6.2, APP-064)**. The depth of placed chalk varies but is typically up to 3m max in depth. The design solution is to place the material over a sufficient area size, so that the volume being deposited is blended into the landforms and is reflective of the existing variable profiles, with areas of chalk grassland creation up to a maximum gradient of 1(v) 12(h), which varies.

In specific locations, placement has been increased to maximise opportunities for the introduction of false cuttings, thus maximising screening of the existing M3 and the Scheme, with these areas subject to soft landscape planting to integrate the landform.

In areas where soft landscape mitigation (planting) is proposed, excavated subsoil and topsoil will be utilised. It will be prepared and placed to provide a suitable growing medium.

**Requirement 5 of the draft Development Consent Order (3.1, Rev 2)** requires the detail design to be delivered in accordance with the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, which refers to **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1)** and includes Commitments LV12 and LV13 within **Table 3.2 of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**.

ExQ1	Question to:	Question:
Q12.1.19	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 includes reference to the PRoW network. There are a number of existing PRoWs within the application boundary and its environs which form part of a wider local network that may be affected by the scheme.</p> <p>Please summarise and explain further the increased overall connectivity between Winchester and the SDNP by the end of the construction period and the factors relevant to the achievement of long-term permanent improved connectivity across the local PRoW network as a whole by Year 15.</p>

## Applicant Response

**Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP 053)** assesses that 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 which will allow users to access open and recreational space. **Table 12.29 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP 053)** provides a summary of effects on walking, cycling, and horse-riding receptors including Public Right of Ways during the operational phase. The significance of these has been determined in accordance with the methodology detailed in **Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP 053)**. Receptors identified include the following:

- National Cycle Network (NCN) Route 23: NCN23 / Winchester Bridleways 502 and 520 would be permanently altered to improve walking, cycling and other access beneath/around M3 Junction 9. The route that interacts with Junction 9 would be realigned to improve accessibility and safety, reducing the severance created by the current Junction 9 alignment.
- Winchester Bridleway 502: NCN23 / Winchester Bridleways 502 and 520 would be permanently altered to improve walking, cycling and other access beneath/around M3 Junction 9.

**Paragraph 12.11.5 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP 053)** identifies the improvements to the National Cycle Network (NCN) Route 23 as improving connectivity. Other identified embedded mitigation, set out in **Chapter 4 (Environmental Impact Assessment Methodology)** of the **Environmental Statement (ES) (6.1, APP-045)** outlines how the scheme is designed to improve connectivity for walking, cycling and horse-riding.

**Chapter 7 (Landscape and Visual)** of the **Environmental Statement (ES) (6.1, Rev 1)** identifies beneficial long term and permanent operational effects from the changes to the PRow network. This addresses issues identified in the Landscape Character Assessments which refer to severance of and separation between Winchester and the South Downs National Park.

ExQ1	Question to:	Question:
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Q12.1.20	Landscape and Visual Effects The Applicant	<p>The NPSNN Accordance Table [APP-155] considers paragraphs 5.150-5.153 of the NPSNN:</p> <ul style="list-style-type: none"> <li>▪ In relation to paragraph 5.151 bullet point 2 whilst it is recognised that the M3/J9 are either within the SDNP itself or within its setting what consideration has been given to “meeting the need in some other way” that might have a lesser impact on the SDNP as opposed to the consideration of an alternative location?</li> <li>▪ In relation to paragraph 5.151 bullet point 3 it is stated that National Highways has actively sought to avoid or moderate any detrimental effects. Please summarise and explain the ‘substantial changes to the scheme design’ whereby this has been achieved?</li> <li>▪ The NPSNN paragraph 5.152 refers to “any benefits outweighing the costs very significantly”. Notwithstanding the details provided in the Case for the Scheme [APP-154] please summarise and explain the reliance placed on direct and indirect economic benefits, and improved journey times as part of the overall package of permanent benefits.</li> </ul>
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**Applicant Response**

Design considerations which are considered to have a lesser impact on the South Downs National Park include: reducing the size of the compound; minimising the physical footprint of the Scheme, including not taking the additional agricultural land permanently; retaining as much vegetation as practicable; avoiding adversely affecting the River Itchen, including placing bridge piers outside the water course; minimising the elevation of the Scheme; and reducing the vertical height of overpasses and link roads.

Actions taken to actively avoid or moderate any detrimental effects include: removing the need for soil deposition areas; minimising the compound footprint; earthwork design modification to avoid alien and engineered features within the South

Downs National Park; using earthworks to provide screening of the Scheme, whilst minimising disruption of wider views to Winchester and the South Downs National Park.

The economic appraisal has been calculated in accordance with Transport Analysis Guidance (TAG) Unit A1 guidance and is detailed within the **Combined Modelling and Appraisal Report (7.10, APP-163)**. The economic appraisal of the Scheme is an assessment of the benefits to users and the wider population. This is compared against the Scheme capital costs and maintenances and operational costs. The monetised impacts cover the following: accidents; transport user impacts; environmental impacts e.g. local air quality, greenhouse gases, noise. Other impacts have been qualitatively assessed including journey time reliability and physical activity.

The following paragraphs of the **Case for the Scheme (7.1, APP-154)** may be helpful:

*9.3.5 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 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.*

*9.3.6 Value for money has been assessed based on the Scheme costs and benefits and the DfT's Value for Money Framework. This included consideration of monetised and non-monetised impacts. The initial Benefit to Cost Ratio (BCR) is 1.35. Inclusion of wider economic impacts gives an adjusted BCR of 1.72, which represents 'Medium' Value for Money.*

In economic terms, this indicates that the forecast benefits of the scheme would significantly outweigh its costs, taking into consideration both direct and indirect economic benefits.

**Paragraph 7.4.2** of the **Case for the Scheme (7.1, APP-154)** outlines the predicted costs of not developing the Scheme and states that analysis of the operational model in the Do-Minimum ('without-Scheme') in 2047 showed that there are significant predicted delays above free-flow journey time at Junction 9. Two key strategic objectives of the Scheme are to reduce delays at M3 Junction 9 on all links M3, A33, and A34, and smooth the flow of traffic by improving journey time reliability. **Paragraph 6.2.2** of the **Combined Modelling and Appraisal Report (7.10, APP-163)** summarises how these two objectives have been met: reducing delays at key areas that are presently congested and also reducing journey times from the M3 South to the A34,

and the A34 to the M3 South in the AM and PM peak period; and reducing journey times on key approaches to the M3 Junction 9, including reductions in delays on the M3 Southbound off-slip/A34 and the A272 approach in the AM and PM peak periods.

The Scheme's impacts on journey time reliability and the economic benefits, both direct and indirect, are integral to the overall package of permanent benefits, which also includes improvements to safety, and improvements to the environment as well as walking, cycling and horse-riding provision.

ExQ1	Question to:	Question:
Q12.1.21	Landscape and Visual Effects The Applicant	The NPSNN Accordance Table [APP-155] considers paragraphs 5.159-5.161 of the NPSNN: <ul style="list-style-type: none"> <li>▪ Notwithstanding the details provided in the Table, please summarise, and explain the consideration given to 'reducing the scale of a project or making changes to its operation to help avoid or mitigate its visual and landscape effects'.</li> <li>▪ Please summarise and explain the consideration given to the use of materials and designs for the scheme.</li> <li>▪ How does the design reflect the beauty of the natural, built and historic environment through which it passes and provide for any enhancement of that environment?</li> </ul>

**Applicant Response**

**Point 1**

The sensitive location of the Scheme means that the design of the Scheme has been led by the need to minimise landscape effects, particularly those experienced within the South Downs National Park and its setting to avoid harm – 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)**.

Following the Design Review Panel and statutory consultation, the Applicant, through a series of workshops and open engagement, worked with the South Downs National Park Authority in developing proposals to avoid and minimise effects including removal of proposed artificial earthworks on the high flank of the downland, and removal of the spoil deposition areas. Instead site-gained material has been used to aid visual screening of the highway corridor through the implementation of sympathetically designed earthworks which reflect the existing landform in supporting visual screening and integrating the highway corridor into its landscape context. This approach has reduced the footprint of the Scheme within the South Downs National Park. In addition a reduction in spatial requirements for material storage, site cabins and welfare units, and the optimisation of the construction compound layout, has also resulted in a reduced footprint of the construction compound, which is on agricultural land and within the South Downs National Park. The siting of the compound was also considered in relation to the surrounding landscape, with the location selected being at a lower elevation when compared to the surrounding landform. Further consideration was also given to siting the compound to the north of the belt of young tree planting with the aim of retaining as much of this feature as possible. Further actions include minimising disruption of wider views to Winchester and the South Downs National Park. The Scheme has also sought to minimise the height of structures within the landscape, to reduce the vertical height of infrastructure, whilst returning land to agriculture and using earthworks to provide a screening function, complimented with soft landscape planting which responds to the local character.

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. The **Design and Access Statement (6.7, APP-162)** provides information on how the design has responded to its context.

## Point 2

**Requirement 5** of the **draft Development Consent Order (3.1, Rev 2)** secures the details of hard surfacing materials within the landscaping scheme that is to be approved by the Secretary of State. Timber post and wire fences are proposed within the Scheme, and unbound materials for the surfacing of the bridleway to the east of the M3 are proposed that would be in keeping with the local character of the chalk grassland (ie crushed basalt). **Table 3.2** within **the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** details a number of actions and commitments related to the use of sustainable materials to implement the design of the Scheme. These include the following:

- NV3 – *‘to reduce noise impacts associated with the operation of the Scheme, low noise road surfaces are proposed where new roads surfaces are to be laid. The surface shall be specified to achieve a Road Surface Influence (RSI) of -3.5dB’.*
- C1 – *‘Use of warm mix asphalt (WMA) instead of hot mix asphalt on all new road surfaces, reducing embodied carbon associated with the production of materials’.*
- C3 – *‘The bridleway to the east will be made from type 1 unbound material (i.e. crushed basalt) which is appropriate to the recreational use of the route with a lower carbon intensity than asphalt, and is free draining’.* This would be in keeping with the local character of the chalk grassland.
- C7 – *‘Using materials with lower embedded GHG emissions and water consumption where possible’.* Using sustainably sourced / recycled or secondary materials where possible to minimise carbon usage and emissions.
- MA7 – *‘Identification and specification of materials that can be acquired responsibly, in accordance with BES 6001 Responsible Sourcing of Construction Products’.* This will ensure materials are sourced responsibly and therefore, sustainably.

### Point 3

The **Design and Access Statement (7.9, APP-162)** provides narrative on the design approach. A series of high-level design principles form the design strategy for the Scheme design which identify how the Schemes reflect the beauty of the natural, built and historic environment. Key principles include a landscape led strategy and placemaking which recognize the challenge and opportunities of the surrounding environment including the South Downs National Park and other environmental designations. Consideration of the key landscape characteristics within the defined Landscape Character Areas is an important consideration in ensuring that the Scheme contributes to the qualities of the surrounding environment. These are set out in **Section 5.5 of the Design and Access Statement (7.9, APP-162)** with respect to the Itchen Valley Floor, Itchen Valley Sides and East Winchester Open Downland in which the Scheme is located.

The Scheme would enhance biodiversity as outlined in **Chapter 8 (Biodiversity)** of the **Environmental Statement (ES) (6.1, APP-049)**. The Scheme will provide significantly enhanced walking, cycling and horse-riding provision. A list of improvements to existing facilities are being brought forward as part of the Scheme. This includes a new footbridge over the River Itchen and new subways under Junction 9, improving cycle connectivity, especially for the National Cycle Network (NCN) Route 23 and improvements to the horse-riding provision on the eastern side of the Scheme. The Scheme will provide enhanced pollution and run off control compared with the existing situation. The Scheme will deliver improvements to the Public Right of Way



network in the human health study area in terms of accessibility. This will make it easier for the population to access green/open space, including the South Downs National Park.

In addition consideration to the South Downs National Park's Special Qualities has informed the design approach as summarized below:

*Diverse, inspirational landscapes and breath-taking views:* The design proposals minimise visibility of the highway (due to its position at a relatively low elevation. Proposals for topographical and earthworks remodelling on the eastern side of the Scheme reinforce the existing characteristic of the open downland landscape. Together with woodland planting adjacent to the highway and within the Itchen valley, this encourages views away from the highway and towards the surrounding South Downs National Park and the Winchester townscape skyline.

*A rich variety of wildlife and habitats including rare and internationally important species:* The Scheme seeks to minimise land take within the South Downs National Park and minimizing impacts upon the designated Special Areas of Conservation (SAC) and Sites of Special Scientific Interest (SSSI), through considered surface water drainage attenuation features. Maximising areas for the creation of chalk grassland on the open downlands, with a combination of species-rich grassland with chalk grassland characteristics and woodland and scrubland within the Itchen Valley also serve to reinforce the characteristics of these landscapes, and at the same time support ecological connectivity. The Scheme proposals achieve a positive biodiversity net gain which will support the variety of wildlife and habitats within the South Downs National Park through the landscape and ecological design measures.

*Tranquil and unspoilt places:* Maximising retention of trees and vegetation along the Itchen Valley (where tranquillity is most apparent within the Application Boundary) will improve the perception of this characteristic. Similarly, landform remodelling on the eastern side of the Scheme adjacent to and within the South Downs National Park serves to provide screening of the highway. The use of lighting has been minimized, but when required for safety this will be sensitively sited and designed to minimise intrusion where the surroundings are relatively unspoiled.

*An environment shaped by centuries of farming and embracing new enterprise:* Minimising impacts on the most versatile farmland through a reduction in the Application Boundary, and also through returning temporarily acquired agricultural land once the Scheme is operational.

*Great opportunities for recreational activities and learning experiences:* The walking, cycling and horse-riding facilities around and within the Scheme will be retained and upgraded. This includes National Cycle Network (NCN) Route 23, with a widened 4m underpass and 3m route either side of the M3 Junction 9 gyratory, a new minimum 3m wide (increasing to 4m) combined footway and cycleway for the western side of the Scheme is proposed to link the A33 / B3047 Junction to Winnall Industrial Estate situated on Easton Lane, and an additional 3m wide bridleway (with unbound surfacing) on the eastern side of the Scheme to link Easton Lane with Long Walk for walkers, cyclists and horse-riders. The provision of new routes increases opportunities for recreational experiences with access from Winchester to the South Downs National Park improved.

*Well-conserved historical features and a rich cultural heritage:* The Scheme design respects the setting of historical assets, including Conservation Areas, listed buildings and ancient monuments as well as the South Downs National Park, whilst reinforcing relationships with local heritage where achievable. This includes promoting views to Winchester from the newly created chalk grassland downland slopes within the South Downs National Park.

ExQ1	Question to:	Question:
Q12.1.23	Landscape and Visual Effects The Applicant	<p>The ES Non-Technical Summary [APP-153] paragraph 4.3.14, confirms that by summer 15 years after opening, a moderate adverse significant effect would remain at Easton Lane:</p> <ul style="list-style-type: none"> <li>▪ Please indicate the consideration given to whether any further mitigation could be provided in this location, for example, in relation to the carrying out of land profiling/bunding and/or additional landscape mitigation planting.</li> <li>▪ For the avoidance of doubt, please confirm the position relation to the effect in this location during the winter months after 15 years.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ In terms of the various adverse effects identified in paragraph 4.3.14 at various locations one year after opening, can you indicate a timeline over the 15 year period for any perceived reduction in adverse effect to be achieved?</li> </ul>
<p><b>Applicant Response</b></p>		
<p>The maximum achievable area of soft landscape mitigation planting has already been included, given the requirements for the drainage feature and highway alignment. The proposals for landscape mitigation planting in this area also include advanced planting, to maximise the opportunity to establish it in advance of the operation of the Scheme. A false cutting rising to 2m above the proposed carriageway level adjacent to the M3 off bound slip. This feature will be planted to help integrate it, which over time will provide further screening benefit. It would not be possible to increase the height of this feature or the proposed soft landscape planting to screen the Variable Message Sign 009 (see <b>Figure 2.3 (Sheet 7) of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1)</b>), and further reduce the reported adverse effect.</p> <p>There is approximately 150m between the view location and M3 off-bound slip road (the closest highway feature). This area includes a range of soft landscape mitigation planting (ranging in width up to a combined width of about 80m). It is considered that even in winter months this proposed landscape mitigation will provide sufficient filtering of views towards the Scheme.</p> <p>It is considered that from this location the view will change from an open view beyond the intervening hedgerows across an agricultural landscape to a contained view with a range of proposed landscape mitigation planting and a drainage feature in the foreground. Whilst the highway will not be visible at year 15, the Variable Message Sign 009 (see <b>Figure 2.3 (Sheet 7) of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1)</b>), will remain a visible feature. As the planting reaches maturity (30+ years), visibility of this gantry will further reduce, which could lead to further reduction in adverse effects.</p>		
<p><b>ExQ1</b></p>	<p><b>Question to:</b></p>	<p><b>Question:</b></p>

Q12.1.24	Landscape and Visual Effects The Applicant	The assessment of landscape and visual effects shown in The ES Chapter 7 [APP-048] does not include an assessment of effects for the winter season in Operational Year 15. Given the reduced screening and/filtering of views by vegetation in the winter months, how can the ExA be assured that the worst-case operational scenario has been assessed?
<b>Applicant Response</b>		
<p>The assessment has been undertaken in accordance with Design Manual for Roads and Bridges methodology LA 107 Landscape and visual effects (Highways England, 2020). The approach provides a robust assessment.</p> <p>Worst-case effects are considered to comprise a winter scenario following construction before the soft landscape mitigation planting has established. The summer scenario is considered to provide an assessment when the proposed soft landscape mitigation planting is considered to have successfully established to provide its desired function and is in full leaf.</p> <p>However, the Applicant has reviewed the visual assessment to ensure the conclusions are also reflective of a winter scenario at year 15. The review has concluded the assessment does consider the worst case, and effects would be no worse than those currently reported. This judgment is made on the basis of the existing baseline conditions (views already include the highway and its features), the presence of retained existing vegetation, and the proposed soft landscape mitigation planting, which is included to replace lost features which, by year 15 will provide a similar function to lost features.</p>		

## 2.13 Noise and Vibration

ExQ1	Question to:	Question:
Q13.1.1	Assessment approach The Applicant	Paragraph 11.4.38 of Chapter 11 of the ES [APP-052] explains that information from the contractor about plant is “as expected at this point in the process” and the potential plant used

		is shown in ES Appendix 11.1 [APP-137]. All assumptions show industry standard plant as detailed in BS 5228-1:2009.  Please advise if any alternative plant and equipment is being considered.
<b>Applicant Response</b>		
<p>The assessment undertaken is based on a reasonable worst-case scenario.</p> <p>As per commitment NV1 in <b>Table 3.2</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b> advises that a Noise and Vibration Management Plan will be prepared, and a Section 61 consent obtained where required. These would be based on a detailed assessment of construction noise and vibration, outlining any alternative plant and equipment which would be used during construction, and how construction noise and vibration will be managed, monitored and mitigated throughout the construction of the scheme. Any specific mitigation measures which will be required would be identified at this stage. No part of the Scheme will start until this has been subject to stakeholder engagement and approved by Winchester City Council.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q13.1.2	Assessment approach The Applicant	Referring to paragraph 11.4.39 of Chapter 11 of the ES [APP-052] please explain what is meant by a 'sub-phase' or signpost the ExA to where this is detailed.
<b>Applicant Response</b>		
<p>The phases and sub-phases are identified in <b>Table 11.15</b> of <b>Chapter 11 (Noise and Vibration)</b> of the <b>Environmental Statement (ES) (6.1, APP-052)</b>. The phases are numbered, and the sub-phases are denoted by a letter suffix, e.g. Phase 1a, Phase 1b, etc.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>

Q13.1.3	Design, mitigation and enhancements The Applicant	<p>Paragraph 11.8.2 of Chapter 11 of the ES [APP-052] states that low noise surfacing will be present “where new surfaces will be laid”.</p> <p>Please detail the extent of the new surfacing within the application boundary and also if there is any expected surfacing of the existing highway network to be undertaken outwith the application boundary.</p> <p>Please also explain what maintenance policies exist to ensure that future resurfacing will include low-noise surfacing as an ongoing requirement and how this is secured within the DCO.</p>
<b>Applicant Response</b>		
<p>The low noise road surfacing is proposed to be introduced where there are areas of new carriageway, which are indicated in the <b>General Arrangement Plans (2.5, APP-009)</b>. These include sections of the M3, A34, A33 link road and slip roads where changes are proposed.</p> <p>Changes to the carriageway will be restricted to within the Application Boundary.</p> <p>National Highways’ standard approach is to re-surface roads using a like-for-like solution. A change in road surface type would require a Departure of Standards application, which would need to be justified.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q13.1.4	Design, mitigation and enhancements The Applicant	<p>Paragraph 11.8.4 of Chapter 11 of the ES [APP-052] lists some of the potential mitigation measures that could be employed during construction to reduce the impact of noise and vibration. These, along with those shown in the fiEMP [APP-156], are broad and generic and considered best practice.</p> <p>Please supply information on the considered likely mitigation required in addition to general good practice for the construction of the Proposed Development.</p>

### Applicant Response

NV1 of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** states that a Noise and Vibration Management Plan will be prepared, and a Section 61 consent obtained where required, outlining any alternative plant and equipment which would be used during construction, and how construction noise and vibration will be managed, monitored and mitigated throughout the construction of the scheme. Any specific mitigation measures, drawn from the potential mitigation measures listed in **Paragraph 11.8.4 of Chapter 11 (Noise and Vibration)** of the **Environmental Statement (ES) (6.1, APP-052)** and others which will be required would be identified at this stage.

ExQ1	Question to:	Question:
Q13.1.5	Assessment of likely significant effects The Applicant	In respect of paragraph 11.9.18 of Chapter 11 of the ES <b>[APP-052]</b> please confirm that Kings Worthy and Abbots Worthy Parish Councils have been informed of the outcome of the results of the assessment carried out at the two primary schools following their request, and if so what the response has been.

### Applicant Response

Direct consultation with Kings Worthy and Abbots Worthy Parish Councils has not been undertaken since the publication of the **Environmental Statement (6.1-6.3, APP-042-153)** on acceptance of the Application by PINS, although the **Environmental Statement (6.1-6.3, APP-042-153)**, has been available for Kings Worthy and Abbots Worthy Parish Councils to review since its publication.

ExQ1	Question to:	Question:
Q13.1.6	Assessment of likely significant effects The Applicant	Fig 11.19 in the Noise and Vibration – Figures <b>[APP-073]</b> shows the changes in noise in the operational condition (daytime). The difference in colours between ‘minor increase’ and moderate increase’ is not clear and some areas are covered by label-arrows.  Please amend the colours to ensure clarity.

### Applicant Response

**Figures 11.19 - 11.22 of Chapter 11 (Noise and Vibration - Figures) of the ES (6.2, Rev 1) have been updated and are submitted at Deadline 2.**

ExQ1	Question to:	Question:
Q13.1.7	Construction plant assumptions The Applicant	<p>Paragraph 11.4.47 of Chapter 11 of the ES [APP-052] and ES Appendix 11.1 [APP-137] detail the Construction Activities in the Noise and Vibration Assessment. Please explain:</p> <ul style="list-style-type: none"> <li>▪ The extent of the geographical area that has been considered for each operation.</li> <li>▪ How each separate activity has been assessed against the receptors.</li> <li>▪ How the number of items of plant and equipment to be used have been assessed and confirm that this is appropriate.</li> </ul>

### Applicant Response

The extent of the geographical area for each operation has been considered based on the quantity of materials required, along with the existing and proposed alignments of the Scheme. The areas have been advised by the Principal Contractor. The construction noise assessment methodology is outlined in **Paragraphs 11.4.38-11.4.40 of Chapter 11 (Noise and Vibration) of the Environmental Statement (ES) (6.1, APP-052)**, with the assumptions outlined in **Paragraphs 11.4.44-11.4.51 of Chapter 11 (Noise and Vibration) of the Environmental Statement (ES) (6.1, APP-052)**. Noise effects associated with specific activities have been grouped by sub-phase, then assessed against the modelled ambient sound level at each individual receptor, following guidance within Design Manual for Roads and Bridges (DMRB) LA 111 Noise and vibration (Highways England, 2020).

The number of plant items and equipment to be used is considered appropriate based on the scale of the Scheme, the programme length, and the works which are anticipated. The number of plant items and equipment to be used have been advised by the Principal Contractor.



## 2.14 Policy and Need

ExQ1	Question to:	Question:
Q14.1.1	NPSNN The Applicant	On 14 March 2023, the Government published its draft updated NPSNN for consultation.  Please can the Applicant provide full details of how the Proposed Development accords with the policy as set out in the draft consultation document, having regards to the advice contained within Paragraphs 1.16 and 1.17 in relation to transitional provisions.
<b>Applicant Response</b>		
Please see <b>Draft National Policy Statement for National Networks Accordance Table (Document reference 8.7)</b> included within the Deadline 2 submission.		
ExQ1	Question to:	Question:
Q14.1.2	Road Investment Strategy The Applicant	The Road Investment Strategy 2 (RIS2) details a number of projects in the area south of the M3.  Please explain what impact these may have on the application or signpost the ExA to where in the application this is detailed.
<b>Applicant Response</b>		
The operational traffic model was developed at the start of the Road Investment Strategy 1 (RIS1) timetable (2015) and originally included all committed schemes for the RIS1 programme. As the RIS2 programme evolved, those schemes that were fully		

committed were included in the core forecast modelling. Please refer to **Table 4.4** of the **Combined Modelling and Appraisal Report (7.10, Rev 1)** for the forecast highway schemes.

The traffic forecasting outcomes are detailed in **Section 4.5** of the **Combined Modelling and Appraisal Report (7.10, Rev 1)**.

**Appendix 15.1 (Long List of Cumulative Developments)** of the **ES (6.3, APP-150)** identifies a comprehensive list of 'other development', that fall within the Zone of Influence for each environmental discipline topics as set out in **Table 15.1 of Chapter 15 (Cumulative Effects)** of the **Environmental Statement (ES) (6.1, APP-056)**.

The M3 Junction 9 to 14 all lane running (ALR) scheme, is included in Road Investment Strategy 2 (RIS2), however, on 15 April 2023 the Government announced that plans for new smart motorways would be cancelled. Despite this, National Highways is planning to upgrade the existing central reservation barrier to concrete, to deliver safety benefits. This Scheme is known as the M3 Junction 9 to 14 Safety Barrier Improvement Scheme. Given the central reservation work from the M3 Junction 9 to 14 Safety Barrier Improvement Scheme is due to take place prior to the construction of the Scheme, it has been considered as part of the future baseline.

ExQ1	Question to:	Question:
Q14.1.3	Port Strategy The Applicant	<p>The Solent Freeport was officially designated in December 2022. The Case for the Scheme [APP-154] highlights the importance of the Port of Southampton but does not mention the establishment of the Freeport.</p> <p>Please explain what impact the Solent Freeport designation will have on the application or signpost the ExA to relevant references in the documentation.</p>

### Applicant Response

In December 2022 the Government announced funding for three Freeport locations including Solent. The Designation of Freeport Tax Sites (Solent Freeport) Regulations 2022 designate areas, known as 'freeport tax sites', as special areas for the purposes of, Parts 2 (plant and machinery allowances) and 2A (structures and buildings allowances) of the *Capital Allowances*

*Act 2001* (c. 2) (“CAA 2001”), and Part 4 (stamp duty land tax) of the *Finance Act 2003* (c. 14) (“FA 2003”). These regulations apply to the following areas only:

- Dunsbury Park Tax Site
- Southampton Water Tax Site: Fawley Complex
- Southampton Water Tax Site: Fawley Waterside
- Southampton Water Tax Site: Marchwood Port & Strategic Land Reserve (includes Free Zone Designation ‘Customs Site No.1 Solent’)
- Southampton Water Tax Site: Redbridge
- Navigator Quarter Tax Site

Only ‘Navigator Quarter Tax Site’ benefits from planning permission for a part of the Site which was granted in 2021 under the Town and Country Planning Act (Planning Reference F/20/87841). It was not assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the TCP Regulations). In accordance with Design Manual for Roads and Bridges (DMRB) LA104 Environmental assessment and monitoring (Highways England, 2020) was not included within the Long List of Cumulative Developments (**Appendix 15.1 (Long List of Cumulative Developments)**) of the **ES (6.3, APP-150)** and not identified within the zone of influence. The other tax sites listed above do not benefit from planning permission and are also geographically further away from the M3 Junction 9, and have therefore not been included within list of cumulative developments assessed within **Chapter 15 (Cumulative Effects)** of the **ES (6.1, APP-056)**.

The transport assessment traffic forecasts take account of future development, and this is described in **Chapter 5** of the **Transport Assessment Report (7.13, Rev 1)**. In line with Department for Transport, Transport Analysis Guidance (TAG) Unit M-4 an Uncertainty Log was prepared summarising local planning assumptions in relation to the nature, likelihood, timing, size, and other details of the future developments. The status of all schemes (development schemes and network supply schemes) was classified according to TAG classification. Development sites categorised as ‘Near Certain’ or ‘More than Likely’ were included in the Core Scenario, which represents the most likely outcome and forms the basis for the Scheme appraisal. An ‘optimistic’ growth scenario was also prepared for sensitivity testing, which included developments classified as ‘Reasonably

Foreseeable’. The following Solent Freeport development sites were identified in the Uncertainty Log and included in the traffic forecast scenarios:

- Dunsbury Park – Near Certain, included in Core Scenario
- Southampton Water Tax Site: Fawley Waterside – Reasonably Foreseeable, included in Optimistic Scenario
- Navigator Quarter – Reasonably Foreseeable, included in Optimistic Scenario

The impact of these development sites has been considered within the transport assessment and are included within the future traffic forecast scenarios.

It should be noted that the Government’s Freeports Programme monitoring and evaluation strategy Published 6 May 2022 is monitoring the impacts and states:

*‘The purpose of the Monitoring and Evaluation (M&E) of the Programme is to provide comprehensive findings to assess the effectiveness and impacts of Freeports as a new policy. The M&E will provide accountability to Parliament and the public for the implementation and overall impact of the policy. Importantly, the M&E Programme will also enable learning and capacity building as the Programme is rolled out, providing early findings to improve the delivery of different initiatives. Initially envisaged to run for 5 years, the M&E Programme will provide an initial assessment of the impacts of the Freeports Programme, which may be extended in the future to cover long-term impacts.’*

The designation of Freeports has direct and indirect effects that form part of a complex micro and macro socio-economic picture. The extent to which this impacts transport on the Strategic Road Network, and the operation and construction of the M3 Junction 9 is still yet to be fully understood by policymakers.

ExQ1	Question to:	Question:
Q14.1.5	Planning policy context	Please provide a copy of the local plan and other relevant policies to the ExA.

	The Applicant		
<b>Applicant Response</b>			
Please see included within the Deadline 2 submission PDF documents of the: Winchester Local Plan; Hampshire Transport Plan; Hampshire Minerals and Waste Plan; and the South Downs Local Plan.			
The following includes relevant hyperlinks:			
Local authority	Local plan name	Link to local plan pdf	Link to website
Winchester City Council	Winchester District Local Plan Part 1: Joint Core Strategy Adopted 2013 [Chapters 1-3]	<a href="https://www.winchester.gov.uk/assets/attach/3248/LPP1-chap1-3.pdf">https://www.winchester.gov.uk/assets/attach/3248/LPP1-chap1-3.pdf</a>	<a href="https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013">https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013</a>
	[Chapters 4-6]	<a href="https://www.winchester.gov.uk/assets/attach/3249/LPP1-chap-4-6.pdf">https://www.winchester.gov.uk/assets/attach/3249/LPP1-chap-4-6.pdf</a>	
	[Chapters 7-10]	<a href="https://www.winchester.gov.uk/assets/attach/3250/LPP1chap-7-10-appendices.pdf">https://www.winchester.gov.uk/assets/attach/3250/LPP1chap-7-10-appendices.pdf</a>	
	Winchester District Local Plan Part 2 – Development	<a href="https://www.winchester.gov.uk/assets/attach/16209/2766-local_plan_part2-web.pdf">https://www.winchester.gov.uk/assets/attach/16209/2766-local_plan_part2-web.pdf</a>	<a href="https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-2-">https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-2-</a>

	Management and Site Allocations		<a href="https://www.nationalhighways.gov.uk/development-management-allocations/lpp2-adoption">development-management-allocations/lpp2-adoption</a>
South Downs National Park Authority	South Downs National Park Local Plan (2019)	<a href="https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf">https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf</a>	<a href="https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan/">https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan/</a>
Hampshire County Council	Hampshire Minerals and Waste Plan (2013)	<a href="https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf">https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf</a>	<a href="https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan">https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan</a>
	Hampshire Local Transport Plan (2011)	<a href="https://documents.hants.gov.uk/transport/HampshireLTPPartALongTermStrategy2011-2031RevisedApril2013.pdf">https://documents.hants.gov.uk/transport/HampshireLTPPartALongTermStrategy2011-2031RevisedApril2013.pdf</a>	<a href="https://www.hants.gov.uk/transport/strategies/transportstrategies">https://www.hants.gov.uk/transport/strategies/transportstrategies</a>
ExQ1	Question to:	Question:	
Q14.1.6	NPSNN The Applicant	<p>The NPSNN paragraph 2.7 refers to the need for development to improve resilience on the networks to adapt to climate change and extreme weather events. The Case for the Scheme [APP-154] sets out the means whereby the application seeks to respond to this.</p> <ul style="list-style-type: none"> <li>▪ Please explain in more detail the role that would be played in this respect by new landscaping and planting and the incorporation of drought tolerant and waterlogging species.</li> <li>▪ Should reference to the provision of such species to increase resilience to climate change be included within the REAC Table [APP-156] at this stage given that the scheme's planting specifications will be provided at detailed design stage through a DCO requirement?</li> </ul>	

### Applicant Response

Landscape mitigation planting mixes would be developed and agreed at detailed design and as part of **Requirement 5** of the **draft Development Consent Order (3.3, Rev 2)**. Planting mixes would include plant species which would provide resilience to potential climate change effects. Indicative species are included within **Appendix 7.6 (Outline Landscape and Ecological Management Plan)** of the **ES (6.3, APP-102)**. These are a diverse mix of species including species with specific tolerance to drought and waterlogging, both of which may occur at various locations within the Application Boundary, and which may be exacerbated by climate change. Additionally, the selected planting species would reflect local design characteristics and typically utilise native species congruous with the local area.

Entry LV4 in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** refers to resilience to climate change '*Planting mixes will be selected to ensure a contextual led approach, and resilience to potential climate change effects (in particular wildfire) and future pest and disease threats..*'

ExQ1	Question to:	Question:
Q14.1.10	NPSNN The Applicant	<p>The Case for the Scheme [APP-154] Table 3.2 in relation to the NPSNN strategic objective to provide 'Networks which support the delivery of environmental goals and the move to a low carbon economy' refers to ES Chapter 14 (Climate Change), paragraph 14.10.16, which concludes that the scheme is not anticipated to give rise to a significant effect on climate.</p> <p>Please explain why it is considered to be a reasonable and appropriate approach to consider the increase in the magnitude of emissions from the scheme as a percentage of the UK's 4th, 5th, and 6th carbon budgets in isolation?</p>

### Applicant Response

ExQ1	Question to:	Question:
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Q14.1.11	Scheme objectives The Applicant	<p>The Case for the Scheme [APP-154], section 3.5, sets out the key objectives of the scheme which include the objective “To reduce delays at M3 Junction 9 on all links M3, A33 and A34”. Whilst it is noted that the scheme would reduce the delays at key areas currently congested, please explain the level of reduction expected and indicate whether all delays at key areas would be eliminated.</p> <p>If not, what level of delay is anticipated to remain and at what times?</p>
<b>Applicant Response</b>		
<p><b>Table 7-7</b> and <b>Table 7-8</b> in the <b>Transport Assessment Report (7.13, Rev 1)</b> show the predicted reduction in delay at M3 Junction 9 based on the operational model assessment in the morning and evening peak hours. This indicates that the Scheme is predicted to reduce queuing and delays at M3 Junction 9. Most significantly, on the A33 approach (old A34 approach), where average queuing in the Do-Minimum 2047 forecast is over 0.8 kilometres, this predicted queue is removed with the introduction of the Scheme. Residual delays with the Scheme in place are predicted to reduce to less than 30 seconds in the morning and evening peak hours. Impacts in other time periods have not been explicitly assessed in the operational model, however, based on relative traffic flows, delays are anticipated to be less than in the morning and evening peak hours.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q14.1.12	Scheme objectives The Applicant	<p>The Case for the Scheme [APP-154], section 3.5, sets out the key objectives of the scheme which include the objective to support economic growth and ensure the junction can accommodate additional traffic.</p> <p>Please provide further details of the anticipated wider economic benefits of £41.8 million and how this is expected to stimulate local development sites and economic activity.</p>
<b>Applicant Response</b>		
<p>The assessment of the wider economic benefits is discussed in <b>Section 5.7</b> of the <b>Combined Modelling and Appraisal Report (7.10, Rev 1)</b>. The Level 2 wider economic impacts were quantified based on the relevant Department for Transport, <i>Transport</i></p>		



*Analysis Guidance* (TAG) methods and application of the Department for Transport *Wider Impacts in Transport Appraisal* (WITA) software (version 2.2) released by of the Department for Transport. An estimate of the impact of increased output in imperfectly competitive markets has been derived directly from the estimated business user benefits (as per TAG Unit A2.2) and is estimated to be £7.1 million (Net Present Value (NPV), 2010 prices and values). Agglomeration benefits were quantified following the approach set out in TAG Unit 2-4 where the Scheme is expected to increase business productivity by reducing travel costs and improving accessibility, and is estimated to be £34.7 million (NPV, 2010 prices and values).

The Scheme has the potential to help unlock development by mitigating capacity constraints on the strategic road network. This includes the potential stimulus of local development sites and improved land values at the Winnall Industrial Estate with consequential densification of development and economic activity. These developments, however, are not directly dependent on the Scheme. Therefore, no direct dependent development benefits have been quantified at this stage, as it was not considered proportionate to carry out a detailed assessment and related land-use and economic modelling.

ExQ1	Question to:	Question:
Q14.1.13	Case for the Scheme The Applicant	The Case for the Scheme [APP-154] includes Table 5.2: Present Value of Scheme Construction Costs.  Please explain what is comprised in the supervision and preparation costs.

### Applicant Response

In **Table 5.2** of the **Case for the Scheme (7.1, APP\_154)**, costs associated with preparation consist of all the pre-construction activities including the preliminary design, Environmental Impact Assessment, detailed design and promoting the Development Consent Order application.

The costs associated with 'supervision' relates to regional Project Controls, on site supervision and ensuring technical assurance within construction, completion and handover to National Highways Operations Directorate.

ExQ1	Question to:	Question:
Q14.1.14	Case for the Scheme The Applicant	<p>The Case for the Scheme [APP-154], paragraph 5.7.1, indicates that the scheme costs were prepared by the Applicant, including construction, and operating and maintenance, which were rebased to 2010 market prices so that all costs and benefits reported in this section are present values in 2010 prices, discounted to 2010 with a total PVC of £112.7M.</p> <p>Please explain why the costs have been rebased in that way and can the relevant figures as at today's date be provided?</p> <p>Please also explain when the current cost estimates were completed and what assessment was made for both current and future construction inflation and if that assessment has remained relevant.</p>
<p><b>Applicant Response</b></p> <p>The scheme costs were provided on a year-by-year basis deflated to 2010 prices using the <i>Transport Analysis Guidance (TAG) Databook – GDP deflator series</i> in line with the Department for Transport's suite of guidance for the assessment of the expected impacts of transport policy proposals.</p> <p>The updated cost estimate was agreed late 2022 and included current and future inflationary increases. The inflation provision has been included in the scheme budget.</p>		
ExQ1	Question to:	Question:
Q14.1.15	Case for the Scheme The Applicant	<p>The Case for the Scheme [APP-154], paragraph 5.7.5, in relation to environmental impacts provides figures for minor negative impacts for noise (£1.3M), moderate positive impacts for local air quality (£4.7M) and moderate negative impacts for greenhouse gases (£-14.6M).</p>

		Please provide further details and explanation of the derivation of these figures and an indication as to the degree of reliability that can be placed upon them.
<b>Applicant Response</b>		
<p>The assessment of the monetary environmental impacts is discussed in <b>Section 5.5</b> of the <b>Combined Modelling and Appraisal Report (7.10, Rev 1)</b>. The monetary environmental impacts appraisal was undertaken in accordance with <i>Transport Analysis Guidance</i> (TAG) Unit A3 based on the quantified impacts reported in the <b>Environmental Statement (ES) (6.1-6.3, APP-042 - APP-153)</b>. Noise, local air quality, and greenhouse gas impacts over the 60-year appraisal period were monetised using standard TAG Workbooks with interpolation of values between model years. The monetised impacts are considered to be a reliable estimate with the derivation derived adhering to relevant guidance.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q14.1.16	Case for the Scheme The Applicant	The Case for the Scheme [APP-154], paragraph 5.5.4, considers the social impacts of the scheme including physical activity. Whilst it is noted that the scheme would improve cycle connectivity for the National Cycle Network route 23, please explain how this translates into an assessment of the benefits associated with the fitness impact of increased physical activity as "moderate beneficial".
<b>Applicant Response</b>		
<p><b>Paragraph 12.9.84</b> of <b>Chapter 12 (Population and Human Health)</b> of the <b>Environmental Statement (ES) (6.1, APP-074)</b> highlights that greater connectivity and accessibility are associated with higher or increased physical activity among the general population. It should be noted that the focus of this assessment is public or population level health, and as such considers the significance of effects at a population level, rather than an individual level.</p> <p>In the Scheme, National Cycle Network (NCN) Route 23 /Winchester Bridleways 502 and 520 would be permanently altered to improve walking, cycling and other access beneath/around M3 Junction 9. The route that interacts with Junction 9 would be</p>		

realigned to improve accessibility and safety, reducing the severance created by the current Junction 9 alignment. These factors have been considered for assessment.

Qualitative assessment considerations with respect to this determinant are available in **Paragraph 12.4.33 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-074)**, while **Table 12.5 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-074)** demonstrates the assessment framework used to determine the significance of effects for land use and accessibility. As detailed by **Paragraph 12.4.2 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-074)**, a significance of effect of moderate or above is considered to be significant in Environmental Impact Assessment terms.

## 2.15 Population and Human Health

ExQ1	Question to:	Question:
Q15.1.1	Baseline The Applicant	<p>Paragraph 12.6.1 of Chapter 12 of the ES [APP-053] details that there is one residential property affected within the application boundary.</p> <p>Please confirm if all alternative options have been assessed with regard to the need for temporary land required for the electricity cable diversion through White Mill Farm Cottage.</p>
<b>Applicant Response</b>		
<p>The works associated with White Hill Cottage are associated with the re-routing to the electrical cable. This will not require any intrusive work and access will only be required to the current SSE pole for a short period to reconfigure the current overhead cable arrangement.</p> <p>Alternative options were considered where an additional pole could have been erected outside the property boundary, but this would have increased the visual impact on the property and on South Downs National Park.</p>		

ExQ1	Question to:	Question:
Q15.1.2	Baseline The Applicant	<p>Table 12.8 of Chapter 12 of the ES [APP-053] details the community land usage within 500m of the application boundary.</p> <p>Please explain how the assessment of 'frequency of use/community use' has been made to form the view that the likely usage is greater or less than 50% of the community.</p>
<b>Applicant Response</b>		
<p><b>Table 12.3 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)</b>, outlines receptor sensitivity criteria for land use and accessibility, including community land and assets. These criteria include assessing the combination of the following factors for community land and assets: severance/accessibility, if alternatives are only available outside the local planning authority area, frequency of use and if the land and asset is used by the majority (greater than or equal to 50%) of the population.</p> <p>In relation to <b>Table 12.8 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)</b>, the criteria of both frequency of use and land and asset used by the majority have been discussed within the same column. <b>Paragraph 12.4.1</b> within the assumptions and limitations section of <b>Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)</b>, outlines that 'qualitative assumptions have been made with regards to the frequency of use of community land and assets within the study area, accounting for the type of community facility and likely usage by members of the community'. The percentage of community use is based on a professional judgement with respect to the type of community land and asset in this instance, and a worst-case approach has been adopted.</p>		
ExQ1	Question to:	Question:
Q15.1.3	Baseline The Applicant	<p>Table 12.9 of Chapter 12 of the ES [APP-053] details the development land and businesses within 500m of the application boundary.</p> <p>Please explain how the sensitivity rating was assessed and if this was based on more factors than employment size.</p>

**Applicant Response**

Sensitivity ratings for development land and business is detailed in **Table 12.3 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)**, following Design Manual for Roads and Bridges (DMRB) LA 112 Population and human health (Highways England, 2020). The following definitions are used to assign sensitivity for development land and businesses:

- Very High: existing employment sites (excluding agriculture) and land allocated for employment (e.g. strategic employment sites) covering >5ha.
- High: existing employment sites (excluding agriculture) and land allocated for employment (e.g. strategic employment sites) covering >1-5 ha
- Medium: existing employment sites (excluding agriculture) and land allocated for employment (e.g. strategic employment sites covering <1ha
- Low: proposed development on unallocated sites providing employment with planning permission/in the planning process
- Negligible: N/A

All sensitivity assessments, aside from those which are low or negligible, are based on employment land size (ha).

Assessment factors include size of land allocated for employment, hectares covered of existing employment sites (excluding agriculture), and existence of planning permissions for uses related to employment.

ExQ1	Question to:	Question:
Q15.1.4	Baseline The Applicant	Table 12.11 of Chapter 12 of the ES [APP-053] details existing PRow or routes that directly interact with the Proposed Development.  Please explain what surveys were undertaken and any other supporting data used to establish the frequency of use.

**Applicant Response**

**Appendix K (Summary of Relevant Responses to the 2021 Statutory Consultation and 2021 Targeted Consultation)** of the **Consultation Report (5.1, APP-038)** details consultation responses that are relevant to establishing Public Rights of Way usage, including engagement with local groups which have detailed the importance and relevance of the routes in question. The frequency of use of Public Rights of Way identified in **Table 12.11 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)**, is based on professional judgement, as the identified routes are the only crossing points available in the vicinity of the application boundary.

ExQ1	Question to:	Question:
Q15.1.5	Assessment of likely significant effects The Applicant	Table 12.22 of Chapter 12 of the ES [APP-053] details the sensitivity of the study area communities to changes in health determinants.  Please explain how the sensitivity of health determinant has been assessed to allow a rating of low, medium or high.

### Applicant Response

Assessments of sensitivity shown in **Table 12.22 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)** are determined based on the distribution of vulnerable groups and overall population sensitivity in each ward (set out in **Table 12.21 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)**, the baseline information, as well as baseline conditions described in other chapters of the **Environmental Statement (ES) (6.1-6.3, APP-042 - APP-153)**, (for example, in **Chapter 5 (Air Quality)** of the **Environmental Statement (ES) (6.1, Rev 1)**).

The methodology for assessments of sensitivity for human health determinants is detailed in **paragraph 12.4.35 of Chapter 12 (Population and Human Health)** of the **Environmental Statement (ES) (6.1, APP-053)**. It states that based on an understanding of the health profile of the communities within the study area (defined at the ward level and obtained through baseline data collection) a value is assigned to the sensitivity of the population/community to changes in any of the health determinants. The sensitivity of the population is determined by whether vulnerable groups are likely to be affected, and therefore reported as 'low', 'medium' or 'high'.

A qualitative assessment of likely effects on the key determinants of health has been undertaken with reference to identified receptor groupings of relevant health determinants. An effect is deemed to be possible where there is a relevant source (aspect of the Scheme), pathway (route by which the source affects the receptor - causation) and receptor (recipient that can be affected by the source).

ExQ1	Question to:	Question:
Q15.1.6	Design, mitigation and enhancements The Applicant	Paragraph 12.8.7 of Chapter 12 of the ES [APP-053] states that advance warning will be given to landowners with respect to impacts of land drainage.  Please detail what discussions have already commenced with landowners in this regard and also when and what warning will be given.

### Applicant Response

**Paragraph 12.8.7 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)** is referring to land take from agricultural land holdings as identified in **Table 12.24 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)**, As detailed within the **Consultation Report (5.1, APP-025)** the Applicant has liaised with affected landowners throughout the development of the Scheme. This has included engagement both within and outside of the formal statutory consultation periods. Affected landowners are identified as key stakeholders within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**, to be engaged with prior to and during construction of the Scheme. Entry PH4 of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** requires a dedicated stakeholder representative to be appointed by the Principal Contractor to maintain communication with the landowners throughout the construction phase. This commitment is secured under **Requirement 3 of the draft Development Consent Order (3.1, Rev 2)**. The temporary drainage strategy which will be governed by detailed design will be included in these liaisons as design progresses.

Formal engagement with affected landowners, in accordance with Section 42(1)(d) of the Planning Act 2008, is summarised in **Section 11.2 of the Consultation Report (5.1, APP-025)**. A detailed description of the methodology as well as a description of communications and negotiations with landowners is set out in the **Statement of Reasons (4.1, Rev 2)**.



ExQ1	Question to:	Question:
Q15.1.7	Assessment of likely significant impacts The Applicant	<p>Paragraphs 12.9.76 to 12.9.78 of Chapter 12 of the ES [APP-053] details the likely significant effects on agricultural land holdings. This assessment appears to be limited to severance impacts.</p> <p>Please explain if other factors have been considered in concluding that there are no significant effects on agricultural land holdings.</p>
<b>Applicant Response</b>		
<p>Significance is determined through combining the assigned value (sensitivity of receptors) with the magnitude of change arising from a project, in accordance with the Design Manual for Roads and Bridges (DMRB) LA 104 Environmental assessment and monitoring (Highways England 2020). This is achieved through using professional judgement. Five levels of significance, (very large, large, moderate, slight or neutral) are defined which apply equally to adverse and beneficial impacts. Where two significances of impacts are given in the table (for example neutral or slight) professional judgement is used to determine the most likely significance of effect in addition to the reasonable worst-case scenario.</p> <p>For agricultural land holdings the sensitivity is determined through assessing:</p> <ul style="list-style-type: none"> <li>▪ the areas of land in which the enterprise is wholly reliant on the spatial relationship of land to key agricultural infrastructure</li> <li>▪ if the access between land and key agricultural infrastructure is required on a frequent basis</li> </ul> <p>Magnitude of change is determined through assessing:</p> <ul style="list-style-type: none"> <li>▪ loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements. e.g. direct acquisition and demolition of buildings and direct development of land to accommodate highway assets;</li> <li>▪ the introduction (adverse) or removal (beneficial) of complete severance with no/full accessibility provision.</li> </ul>		

**Paragraph 12.9.23 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)**, identifies that Itchen Down Farm and Winnall Down Farm would have large areas of land permanently impacted by the Scheme, which would result in a significant effect. **Paragraph 12.9.76 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)**, then outlines that all permanent land loss from agricultural land holdings would occur during the construction phase, and this is reported in **Table 12.24 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)**. The chapter reports significant effects associated with permanent land loss from agricultural land holdings within consideration of the construction phase. In **Table 12.32 (Land use and accessibility summary of significant effects) of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)**, no permanent significant effects on agricultural land holdings are identified within the operational phase.

ExQ1	Question to:	Question:
Q15.1.8	Assessment of likely significant impacts The Applicant	Paragraph 12.9.89 of Chapter 12 of the ES [APP-053] states that access to healthcare facilities will be positive based on improved local journey times.  Please explain how this assessment has been quantified to support this assessment or signpost the ExA to where this can be found.

### Applicant Response

**Paragraph 12.6.68 of Chapter 12 (Population and Human Health) of the Environmental Statement (ES) (6.1, APP-053)** states that no healthcare facilities have been identified within the study area for human health, defined as the Application Boundary with consideration to the wards directly and indirectly affected by the Scheme. However, Leigh House hospital, which provides acute adolescent psychiatric services, lies approximately 650m east from the Application Boundary and the Royal Hampshire County Hospital lies approximately 2.5 km west within Winchester.

The **Transport Assessment Report (7.13, Rev 1)** identifies general journey time benefits within the vicinity of the Scheme. This is considered applicable to healthcare facilities such as Leigh House Hospital and Hampshire County Hospital given their proximity. An analysis of Strategic Model Journey Times is available in **Section 7.3.6 of the Transport Assessment Report (7.13, Rev 1)**. Based on this analysis, it is anticipated that a positive access to healthcare outcome will result for those wishing to access healthcare facilities within the study area.

## 2.16 Traffic and Transport (Including Public Rights of Way)

ExQ1	Question to:	Question:
Q16.1.1	De-trunking The Applicant and Hampshire County Council	Please provide an update on the status of the de-trunking agreement with the local highway authority.  Please also confirm that the highway identified as being de-trunked is correct.
<b>Applicant Response</b>		
<p>The Local Highway Authority (Hampshire County Council) has agreed 'in principle' to the de-trunking of the A33. The existing gyratory and associated on and off slip roads to the M3 northbound and southbound carriageways will also be de-trunked prior to these areas being revised as part of the amended M3 Junction 9 Improvement Scheme layout. The Applicant's <b>De-Trunking plans (2.10, Rev 1)</b> are correct. The purpose of de-trunking the parts of the existing strategic road network is to revert the highway estate back to the local highway authority where those rights are no longer necessary to operate the strategic road network. Where construction works are such that carriageways are being re-aligned or demolished then the <b>Rights of Way and Access Plans (2.4, Rev 1)</b> set out the extent of highways being stopped up. This approach means that where there is residual land that has been de-trunked out of the strategic road network but not stopped up the local highway authority continues to benefit from the highway rights over this land.</p>		
ExQ1	Question to:	Question:
Q16.1.2	Traffic regulation orders The Applicant and Hampshire County Council	Please confirm that in addition to speed limits, only clearways and no overtaking traffic regulations will be required as Traffic Regulation Orders for the scheme.  Please also confirm that these proposals, in particular where they affect the Local Highway Authority, have been consulted upon and agreed, explaining any outstanding agreements.

Applicant Response		
<p>The only Traffic Regulation Orders required for the scheme are in connection with proposed speed limits, clearways and no overtaking.</p> <p>The proposals have been discussed with the Local Highway Authority (Hampshire County Council) and have been agreed 'in principle'.</p>		
ExQ1	Question to:	Question:
Q16.1.3	Classification of road plans  The Applicant and Hampshire County Council	Please confirm that the proposals for classification of highways, in particular where they affect the Local Highway Authority, have been consulted upon and agreed. In addition, please confirm that the boundary between the gyratory and adjacent non-trunk roads is correct and agreed (as shown on Sheet 7 of the plans [APP-012]).
Applicant Response		
<p>The proposals have been discussed with the Local Highway Authority (Hampshire County Council) and have been agreed 'in principle'. Ongoing discussions are taking place between National Highways and Hampshire County Council and as a result <b>Sheet 7</b> of the <b>Classification of Roads Plans (2.8, Rev 1)</b> has been revised in relation to the boundary between the proposed M3 Junction 9 gyratory and the non-trunk roads for submission at Deadline 2.</p>		
ExQ1	Question to:	Question:
Q16.1.4	Traffic (Cart and Horse Junction) The Applicant	<p>There appears to be conflicting information in the application documentation regarding the Cart and Horse junction and what changes may or may not be deemed necessary by the Applicant and within the application boundary.</p> <p>There are also conflicting replies to consultation in this regard and how those consultation replies have been taken forward into the application. Please provide a clear</p>

		statement of the position of the junction within the application, including any statements from the Stage 1 safety audit relating to the A33 and the Cart and Horses junction.
<b>Applicant Response</b>		
<p>The Cart and Horses Junction forms part of the local highway network and is situated outside the application boundary.</p> <p>The Applicant's modelling shows that the Scheme is not predicted to negatively impact the safety levels of the Cart and Horses Junction. Any potential improvements to the junction fall outside of the Scheme objectives and are not included in the Development Consent Order application. Please refer to <b>Appendix A</b> for more detail.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q16.1.5	Combined appraisal/ Transport Assessment Report The Applicant	<p>Figures 4-3 to 4-11 in the Combined Modelling and Appraisal report [APP-163] and figures 7-3 to 7-11 in the Transport Assessment Report [APP-166] showing actual traffic flows in PCU for AM peak, InterPeak and PM Peak flows.</p> <p>Please confirm if this is PCU per hour or total PCU for the period and update the figures accordingly to ensure clarity.</p>
<b>Applicant Response</b>		
<p>Traffic flows in these figures are in Passenger Car Units (PCU) per hour and the diagrams will be updated accordingly for clarity.</p>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q16.1.6	Combined appraisal/ Transport Assessment Report The Applicant	<p>Figures 4-3 to 4-11 in the Combined Modelling and Appraisal report [APP-163] and figures 7-3 to 7-11 in the Transport Assessment Report [APP-166] show that there is an increase in traffic flow on the A33 in most scenarios.</p> <p>Please explain the reason for this predicted increase.</p>

### Applicant Response

The section of the A33 reported in the figures increases from the 'Do Minimum' predominantly as a consequence of a reduction in delay and queuing at the approach to the M3 Junction 9, resulting in a more attractive route.

ExQ1	Question to:	Question:
Q16.1.7	Combined appraisal/ Transport Assessment Report The Applicant	<p>Figures 4-3 to 4-11 in the Combined Modelling and Appraisal report [APP-163] and figures 7-3 to 7-11 in the Transport Assessment Report [APP-166] show that there is an increase in traffic flow on the A31, Petersfield Road in most scenarios'.</p> <p>Please explain the reason for this predicted increase and also explain how far eastwards this increase is seen and what impact that may have.</p>

### Applicant Response

The section of the A31 reported in the figures increase from the 'Do Minimum' predominantly as a consequence of a reduction in delay and queuing at the approach to the M3 Junction 9, resulting in a more attractive route. The strategic traffic modelling shows the increase in traffic on the A31 does not extend eastwards beyond the B3404 Percy Hobbs Roundabout with peak hour flow increases less than 100 PCUs (1-way) or 10% in the 2027 opening year with the Scheme and minimal related impacts.

ExQ1	Question to:	Question:
Q16.1.8	Combined appraisal/ Transport Assessment Report The Applicant	<p>Appendix D in the Combined Modelling and Appraisal report [APP-163] and Appendix B of in the Transport Assessment Report [APP-166] show the predicted link volume to capacity ratios for 2042. This shows that the M3, south of Junction 9, will see the ratio move to a 'red' status, showing that the ratio of volume to capacity is greater than 85%.</p> <p>Please explain what the reason is for this increase and how this will be monitored.</p>

### Applicant Response

The increase in link volume to capacity ratios on the M3 (south of Junction 9) is caused by the predicted increase in traffic on this link that is associated with increased capacity and reduction of delay on the M3 Junction 9 resulting in rerouting of strategic (longer distance) traffic to the M3. A post opening project evaluation will be undertaken three years after the Scheme opens, which will include traffic monitoring.

ExQ1	Question to:	Question:
Q16.1.9	Combined appraisal The Applicant	<p>Please advise of the measures to meet active travel provisions and how local active travel plans have been used and assessed.</p> <p>Please detail, or signpost the ExA to, what agreements and discussions have been held with the local authorities in this regard.</p>

#### Applicant Response

Proposed improvements to walking, cycling and horse-riding provision were incorporated into the design in accordance with Design Manual for Roads and Bridges (DMRB) CD 143 Designing for walking, cycling and horse-riding (Highways England, 2021) and integrate with and enhance existing walking, cycling and horse-riding network. Layout drawings for proposed walking, cycling and horse-riding provision, which should enhance active travel provision have been shared with local authorities and discussions are ongoing with a view to documenting the positions within a Statement of Common Ground (SoCG).

ExQ1	Question to:	Question:
Q16.1.10	Combined appraisal The Applicant	<p>Section 2.5 of the Combined Modelling and Appraisal Report [APP-163] details road traffic collisions between 2015 and 2019.</p> <p>Please explain why data has only been used up to 2019 and provide an update on incidents since this date and explain if this has an impact on any assumptions and design assessment.</p>

#### Applicant Response

2019 was the last full set of annual data prior to COVID-19. Accident data during the COVID-19 pandemic is not considered representative of typical conditions due to lower traffic levels relating to lockdown periods and behavioural changes. Observed accident data (Stats 19) for 2023 is not yet available to draw comparisons with pre-COVID-19 datasets.

ExQ1	Question to:	Question:
Q16.1.11	Combined appraisal The Applicant	<p>Section 2.5 of the Combined Modelling and Appraisal Report [APP-163] details road traffic collisions between 2015 and 2019 with Figure 2-5 showing the location of Historical Collision Data around the M3 Junction 9.</p> <p>Please explain if this collision data shows all records within the application boundary and if not, why not.</p> <p>Please also explain if collision data for the Cart and Horse junction has been reviewed by the Applicant.</p>

**Applicant Response**

**Section 2.5** of the **Combined Modelling and Appraisal Report (7.10, Rev 1)** shows all records within the application boundary for the period 2015-2019.

Collision data for the Cart and Horses junction has been reviewed by the Applicant.

ExQ1	Question to:	Question:
Q16.1.12	Combined appraisal The Applicant	<p>HCC highlight potential impacts to wider network and any complementary/additional measures that may be needed' the Applicant has stated that that none are needed.</p> <p>Please advise on the status of this conversation with HCC and what has led to this conclusion.</p>



**Applicant Response**

The Applicant is engaging with Hampshire County Council on this matter, specifically on the results included within the **Transport Assessment Report (7.13, Rev 1)**. The most recent Transport Assessment and modelling meeting with Hampshire County Council was held on 21 March 2023. Subsequently, the Applicant has provided Hampshire County Council with further information relating to the modelled flows on the A31, modelled flows on Romsey Road and Andover Road, and the modelling flows, delays and queues for Easton Lane roundabout. The Applicant is awaiting Hampshire County Council's further comments on these matters.

ExQ1	Question to:	Question:
Q16.1.13	Combined appraisal The Applicant	<p>The Combined Modelling and Appraisal Report [APP-163] details the changes in traffic predicted for Easton Lane from the gyratory to Winchester. It states that there will be increased traffic due to the increased attractiveness of A252 and access to Winchester.</p> <p>Please explain the origin/destination of this additional traffic and explain in more detail the reason for this.</p> <p>Please also provide a summary of the impact of changes in traffic flow on Easton Lane taking account of all environmental factors.</p>

**Applicant Response**

The Scheme provides operational improvements at the gyratory (reduction in delays and queues from that of the 'Do Minimum', which reduces travel times through the gyratory. Traffic with an origin or destination in Winchester have a number of junction options to connect to the Strategic Road Network and beyond (eg A272) and therefore, with improvements at the M3 Junction 9 this Junction becomes more attractive.

The key changes in traffic flow at the roundabout on Easton Lane to the west of Junction 9 (and with access to Tesco) show a predicted increase of approximately 360 vehicles eastbound and 340 vehicles westbound in the morning peak hour in 2047. The equivalent figures for the evening peak hour are 237 and 305 for the morning and evening peak hours respectively.

ExQ1	Question to:	Question:
Q16.1.14	Combined appraisal The Applicant	<p>The scheme cost and benefits assessment in Section 5.4 and Appendix G of The Combined Modelling and Appraisal Report [APP-163] states that no optimism bias has been included in the cost as all risks and inflation have been included in the base costs.</p> <p>Please detail the risks that have been costed-in and the inflation assumptions that have been made and what percentage this is for each of the main elements of the total scheme cost.</p>
<b>Applicant Response</b>		
<p>Scheme risk is managed in line with National Highways Risk Management process and has been included within the assured commercial estimate. The updated cost estimate was agreed late 2022 and included current and future inflationary increases. The inflation provision has been included in the scheme budget. Please refer to the <b>Funding Statement (4.2, APP-023)</b>.</p>		
ExQ1	Question to:	Question:
Q16.1.15	Transport Assessment Report The Applicant	<p>The Transport Assessment Report [APP-166] details 10 routes which have been used to assess changes in journey times; please explain why these routes were chosen.</p>
<b>Applicant Response</b>		
<p>The ten journey time routes were defined to provide coverage of key routes across the operational traffic model including key network movements via M3 Junction 9.</p>		
ExQ1	Question to:	Question:
Q16.1.16	Transport Assessment Report The Applicant	<p>Paragraph 9.1.5 of the Transport Assessment Report [APP-166] shows the pedestrian and cycling counts were undertaken over 2 days in 2016.</p>

		Please explain how these are judged to be a representative sample to inform the design and why no other counts have been undertaken since 2016.
<b>Applicant Response</b>		
The walking, cycling and horse-riding counts undertaken in 2016 recorded approximately 40 users per day. The design has been developed in accordance with the Design Manual for Road and Bridges CD 143 Designing for walking, cycling and horse-riding (Highways England, 2021) and provides for up to 200 users per hour. On the basis of the design being able to accommodate significantly more users when compared to the recorded data, no further surveys were deemed necessary.		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q16.1.17	Combined appraisal The Applicant	In their RR, Action on Carbon in Twyford [RR-002] have expressed concern about traffic changes affecting the village of Twyford.  Please signpost the ExA to any details in the application regarding this or explain what changes have been seen through traffic modelling.
<b>Applicant Response</b>		
Twyford is located outside the Application Boundary and not reported in the application submission documents. The strategic traffic modelling shows a very small increase in the average daily traffic flows (predicted to be less than 200 Passenger Car Unit average 2-way per day in the 2027 opening year) with the Scheme.		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q16.1.18	Outline Traffic Management Plan The Applicant	ES - Chapter 2 - The Scheme and its Surroundings - Figures (Part 3 of 4) [APP-063] shows the traffic diversion routes for various road closures. Paragraph 3.3.57 of the Outline Traffic Management Plan [APP-161] states that planned diversion routes for main carriageway closures have been issued for consultation with all stakeholders for review and comments.

		<p>Please advise who these stakeholders are and if the diversion routes have been agreed and if not, why not.</p> <p>Please also explain if any condition surveys and remedial works on diversion routes have been agreed and if so how these will be secured in the DCO.</p>
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**Applicant Response**

In the development of the **Outline Traffic Management Plan (7.8, Rev 1)**, the following stakeholders were consulted with and reviewed the **Outline Traffic Management Plan (7.8, Rev 1)**:

- Hampshire County Council
- Winchester City Parish Councillors
- Hampshire & Isle of Wight Fire and Rescue
- Armed Response Police
- Roads Policing Unit
- South East Coast Ambulance Service

Most of the diversion routes proposed already form part of the strategic diversion strategy used by National Highways in the event of incidents on the strategic road network. Details surrounding the implementation of the diversion routes for the A34 in both directions is still under discussion with Hampshire County Council to ensure all stakeholders concerns are considered. There are also ongoing discussions with emergency services over excluding use of long-term diversion routes and allowing access through the closed highway for the emergency services.

Condition surveys will be undertaken prior to use of diversion routes as per standard traffic management processes.

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
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Q16.1.19	Outline Traffic Management Plan The Applicant	<p>Table 3.11 in the Outline Traffic Management Plan [APP-161] details the diversion routes proposed during construction which are shown as routes on the diversion plans shown in Fig 2.5 of the ES - Chapter 2 - The Scheme and its Surroundings - Figures (Part 3 of 4) [APP-063]. Table 3.11 does not detail which plan is related to which description; please can this be added to ensure clarity.</p> <p>In addition, there appear to be a number of diversion route plans missing compared to the table. Please clarify if this is the case and update as necessary.</p>
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**Applicant Response**

The plan description is provided in the Key for the colour coded route in **Figure 2.5 in Chapter 2 (The Scheme and its Surroundings – Figures (Part 3 of 4))** of the **ES (6.2, APP-063)**. These can be cross-referenced in **Table 3.11** in the **Outline Traffic Management Plan (7.8, Rev 1)** which has been updated with an additional column now referencing the plan with which the diversion relates to. The **Outline Traffic Management Plan (7.8, Rev 1)** has been updated for Deadline 2.

Two diversion routes within **Table 3.11** of the **Outline Traffic Management Plan (7.8, Rev 1)** are not shown on the diversion plans. They relate to the M3 Northbound full carriageway closure and the M3 Southbound full carriageway closure, both of which will use the existing gyratory to go up and over Junction 9, using the respective off and on slips as the diversion routes.

ExQ1	Question to:	Question:
Q16.1.20	Outline Traffic Management Plan The Applicant	Please provide details of the duration, frequency and predicted traffic flows for each temporary diversion route detailed in Table 3.11 of the Outline Traffic Management Plan [APP-161].

**Applicant Response**

**Table 3.5** in the **Outline Traffic Management Plan (7.8, Rev 1)** provides time of day / stage in programme with high level details for each closure and can be cross-referenced with **Table 3.11** in the **Outline Traffic Management Plan (7.8, Rev 1)** for timings and stages within current programme.

**Table 2.4** in **Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, APP-Rev 1)** provides frequency and durations of diversion routes. Predicted traffic flows are only modelled within the scheme Application Boundary. The diversion routes will be monitored as works progress.

ExQ1	Question to:	Question:
Q16.1.21	Outline TM plan The Applicant	<p>Paragraph 3.3.57 of the Outline Traffic Management Plan [APP-161] states that Coordination meetings will take place with the Local Authority network management teams and all diversion routes will be discussed.</p> <p>Please advise when it is proposed that these co-ordination meetings will commence and how feedback will be managed and incorporated into the proposals. Please also explain if these coordination meetings will include other parties in addition to the network management team. Please also explain how these requirements are secured in the DCO.</p>

### Applicant Response

The Applicant is currently engaging in monthly coordination calls managed by National Highways Operations Directorate and major highways schemes in Hampshire. The monthly calls will continue until project completion and include Hampshire County Council highways representatives, National Highways Operations Directorate network occupancy managers and scheme specific representatives for National Highways Operations Directorate, Hampshire County Council and Winchester City Council projects. Interface is discussed for current and future highways works including diversion routes. Future highways works include Temporary Traffic Regulation Order discussions as stated in **Paragraph 3.3.57** in the **Outline Traffic Management Plan (7.8, Rev 1)**.

The Applicant is currently engaging in monthly coordination calls managed by National Highways Operations Directorate and major highways schemes in Hampshire. The monthly calls will continue until project completion and include Hampshire County

Council highways representatives, National Highways Operations Directorate network occupancy managers and scheme specific representatives for National Highways Operations Directorate, Hampshire County Council and Winchester City Council projects. Interface is discussed for current and future highways works including diversion routes.

This is secured in Requirement 11 of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
Q16.1.22	Outline TM plan The Applicant	The RR from Cllr Steve Cramoysan (WCC) [RR-104] raises the issue of Satellite Navigation devices promoting unsuitable diversion routes during construction to avoid potential congestion.  Please detail how this potential will be mitigated and managed.

### Applicant Response

Network occupancy is managed through the Network Occupancy Management System (NOMS) where road closures and diversions are submitted for approval. The Network Occupancy Management System is updated and maintained to provide the latest information for road closures and their respective approved diversion routes. This information is publicly shared on the website 'one.network' where satellite navigation providers source their prescribed routes.

ExQ1	Question to:	Question:
Q16.1.23	Design and Access Statement The Applicant	Paragraph 4.3.20 of the Design and Access Statement [APP-162] states that the review panel suggests moving away from the language of 'mitigation' to that of 'positive opportunities'.  Please detail where this approach is seen and explain how this differs from the mitigation proposals shown in the ES.

### Applicant Response

Please refer to **Section 5** of the **Design and Access Statement (7.9, APP-162)**. The Scheme design has been developed with the presence of the South Downs National Park and its setting in mind. Overall, the Scheme seeks to avoid impacts through minimising the footprint and minimise the potential for direct impacts with South Downs National Park.

The landscape strategy aims to reinforce and enhance (where appropriate) existing defined key characteristics of the receiving South Downs National Park landscape and its setting with reference to the defined Landscape Character Areas (LCAs), LCA G5: Itchen Valley Sides and LCA A5: East Winchester Downs, and LCA F5: Itchen Floodplain). This includes creation of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme, and creation of new habitats which would improve connectivity for a range of wildlife including bats, dormice, and terrestrial invertebrates in a north-south direction, and also provide connectivity between existing areas of chalk grassland in the wider landscape.

Given the wooded context of the highway (within the Itchen Valley), the Scheme has aimed to retain existing vegetation were reasonably practicable and minimise permanent land take by reducing the Scheme footprint and returning land to agriculture following temporary use. The Itchen Valley is wooded in character and the Scheme has sought to replicate and reinforce this characteristic. Within the surrounding elevated landscape of the Winchester Downs, the creation of chalk grassland has sought to provide a design solution which is responsive to the more open characteristics, and a priority habitat of the local environment. Overall, the landscape strategy provides a solution which is responsive to the place whilst meeting the requirement of the Scheme. **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4)) of the ES (6.2, Rev 1).**

ExQ1	Question to:	Question:
Q16.1.24	Design and Access Statement The Applicant	Section 6.2 of the Design and Access Statement [APP-162] details the safety principles.  Please provide the Stage 1 safety audit or signpost the ExA to details of the audit and how the findings have influenced the design.
<b>Applicant Response</b>		



A Stage 1 Road Safety Audit was undertaken in March 2021 and two subsequent addendums were undertaken in June 2021 and June 2022. These audits are in **Appendix C** to this document.

The Designer's responses to the audits are also included in **Appendix C** to this document and have demonstrated how the findings have influenced the design.

ExQ1	Question to:	Question:
Q16.1.25	Design and Access Statement The Applicant	Paragraph 6.2.11 discusses material choices for sustainable design and details only warm mix asphalt.  Please provide a detailed list, or signpost the ExA to other relevant parts of the ES, to show all sustainable materials that will be considered and what impacts they will have.

### Applicant Response

**Table 3.2** within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** details a number of actions and commitments related to the sourcing of sustainable materials to be considered within the construction phase of the Scheme. These include the following:

- NV3 – *‘to reduce noise impacts associated with the operation of the Scheme, low noise road surfaces are proposed where new roads surfaces are to be laid. The surface shall be specified to achieve a Road Surface Influence (RSI) of -3.5dB’.*
- C1 – *‘Use of warm mix asphalt (WMA) instead of hot mix asphalt on all new road surfaces, reducing embodied carbon associated with the production of materials.’*
- C3 – *‘The bridleway to the east will be made from type 1 unbound material (i.e. crushed basalt) which is appropriate to the recreational use of the route, with a lower carbon intensity than asphalt, and is free draining’.*
- C4 – *‘Material excavated during construction is to be processed for use in the works wherever possible to reduce the volume of material to be disposed of.’* This will minimise carbon usage and emissions associated with waste disposal.

- C7 – ‘Using materials with lower embedded GHG emissions and water consumption where possible’. Using sustainably sourced / recycled or secondary materials where possible to minimise carbon usage and emissions.
- MA7 – ‘Identification and specification of materials that can be acquired responsibly, in accordance with BES 6001 Responsible Sourcing of Construction Products’. This will ensure materials are sourced responsibly and therefore, sustainably.
- MA9 – ‘Maximising the use of pre-fabricated structures and components’ to maximise efficiency and minimise waste through design.
- MA10 – ‘Design 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’.

The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** also includes a draft Materials Management Plan (MMP) in **Appendix F**. This states that ‘where feasible the Scheme’s design team and Principal Contractor will research and investigate sustainable procurement options for material resources that:

- Are non-hazardous
- Are reused, refurbished, or recycled
- Are recyclable
- Are from renewable sources
- Are lower in embodied energy
- Have a lower carbon footprint
- Have a lower water footprint
- Consider transport impact and mode, balancing the cost and benefits’

The **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** will be secured via **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**. The **Design and Access Statement (7.9, APP-162)** also states that there is ‘opportunity to utilise site gained chalk material as the basis for creation of chalk grassland.’ This in turn will reduce carbon emissions associated with the sourcing and transport of materials. **Section 5.6** of the **Design and Access Statement (7.9, APP-162)** notes that sustainable design is a ‘fundamental consideration of the Scheme’ and as a result the Scheme has been designed in compliance with CABE’s sustainable design principles.

ExQ1	Question to:	Question:
Q16.1.26	Rights of way The Applicant	<p>The Rights of Way and Access Plans [APP-008] can in places, be difficult to read due to overlapping and similar coloured legends.</p> <p>Please review these and update to ensure clarity.</p>
<b>Applicant Response</b>		
<p>The <b>Rights of Way and Access Plans (2.4, Rev 1)</b> have been revised for clarity for submission at Deadline 2.</p>		
ExQ1	Question to:	Question:
Q16.1.27	Rights of way The Applicant	<p>Figure 2.6 of the ES - Chapter 2 - The Scheme and its Surroundings - Figures (Part 3 of 4) [APP-063] shows the temporary diversions for PRow. This plan does not show clearly what diversion is proposed for what PRow.</p> <p>Please provide full details of the duration and frequency and diversion route for the closure of each PRow.</p> <p>Please also explain if any condition surveys and remedial works on diversion routes have been agreed and how this will be secured on the DCO.</p>
<b>Applicant Response</b>		
<p><b>Figure 2.6 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 3 of 4)) of the ES (6.2, APP-063)</b> shows the existing Public Rights of Way, National Cycle Network (NCN) Route 23 over the M3 gyratory and two alternative routes to the north and to the south which are to be used as diversions. <b>Table 12.1.5 (Effects of development on walking, cycling and horse-riding)</b> in <b>Appendix 12.1 (Schedule of Population and Human Health Effects)</b> of the <b>ES (6.3, APP-141)</b> summarises any diversions and level of effect during construction and in operation.</p>		

**Paragraph 2.8.33 of Chapter 2 (The Scheme and its Surroundings) of the Environmental Statement (ES) (6.1, APP-043)** provides detail for when the diversions would be implemented by construction phase. Specific frequency will be reviewed as the detailed design and construction sequence is developed.

Condition surveys and remedial works on diversion routes are not considered necessary as they are existing Public Rights of Way.

ExQ1	Question to:	Question:
Q16.1.28	Rights of way The Applicant	New PRowS to be created as shown in Schedule 1 Part 9 of the draft DCO [APP-019] are not detailed consistently on the plans.  For clarity please show new and existing PRowS with clear explanation.

**Applicant Response**

The **Rights of Way and Access Plans (2.4, Rev 1)** have been revised for clarity for submission at Deadline 2.

ExQ1	Question to:	Question:
Q16.1.29	Rights of way The Applicant	Please confirm that changes to the published route of NCR23 are agreed and with all relevant parties, including Sustrans. Please explain if NCR23 should be shown on the Rights of Way and Access Plan.  Please explain if in The Scheme and its Surrounding Figures Part 2 of 4 sheet 8 of 11, NCR23 should be shown through the gyratory as the plans show a discontinuity in the detailing of the route.

**Applicant Response**

During the design period a walking, cycling and horse-riding group together with the project team met on a regular basis to develop the design (including changes to the published route to National Cycle Network (NCN) 23). The group included

representatives from the Ramblers Association, British Horse Society, South Downs National Park and local cycling groups. Presentations were made to Hampshire County Council and Winchester City Council on the proposals. Following the Public Consultation in 2021 the plans were amended to take into account stakeholder comments. Engagement is currently ongoing with local cycling groups.

Sustrans have not been engaged in the project since 2019. They did not provide any feedback following the 2021 Consultation. Sustrans were notified of the Application submission and were informed on how to register as an interested party. Sustrans did not register as an interested party, nor provide any Relevant Representation to the Examination.

The existing National Cycle Network (NCN) Route 23 is shown on **Figure 12.6 of Chapter 12 (Population and Human Health - Figures) (6.2, Rev 1)**.

The existing National Cycle Network (NCN) Route 23 is not directly labelled on **Sheet 7 of the Rights of Way and Access Plans (2.4, Rev 1)**. **Sheet 7 of the Rights of Way and Access Plans (2.4, Rev 1)** has been revised to show the proposed route of National Cycle Network (NCN) Route 23.

The intention is that the proposed National Cycle Network (NCN) Route 23 does extend through the gyratory and **Sheet 7 of the Rights of Way and Access Plans (2.4, Rev 1)** has been updated to show this. This provides a connection for National Cycle Network (NCN) Route 23 across the M3 to join both ends of Easton Lane.

ExQ1	Question to:	Question:
Q16.1.30	Rights of way The Applicant	In the Rights of Way and Access Plans [APP-008], the key to the plans details a reference "FC/1" and states that this is referred to in Schedules 3 and 4 of the DCO. This reference can only be found in Schedule 4; please can this be clarified and amended.

### Applicant Response

The **Rights of Way and Access Plans (2.4 Rev 1)** have been revised for clarity for submission at Deadline 2.

ExQ1	Question to:	Question:
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Q16.1.31	Rights of way The Applicant	The Rights of Way and Access Plans [APP-008] do not state the references and location of the rights of way as shown on the Hampshire County Council Definitive Maps.  Please can the maps be updated to show this for clarity.
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### Applicant Response

The references of the Rights of Way are shown on **Figure 12.6 of Chapter 2 (Population and Human Health – Figures) (6.2, Rev 1)**. The location of the rights of way are shown on the **Rights of Way and Access Plans (2.4, Rev 1)**, however we do not intend to update these to include the references, as they are shown in **Figure 12.6 of Chapter 2 (Population and Human Health – Figures) (6.2, Rev 1)**.

ExQ1	Question to:	Question:
Q16.1.32	Rights of way The Applicant	Please provide clarity on the proposed legal status, usage, layout (e.g. shared/segregated) and widths of all proposed walking, cycling and horse-riding routes.  Please also explain the decision-making process and reasoning of these proposals.

### Applicant Response

The **Rights of Way and Access Plans (2.4, Rev 1)** have been revised for clarity for submission at Deadline 2. They have been updated to show widths, proposed surfacing and status.

The legal status of the new, altered or diverted public rights of way is defined in **Schedule 3, Part 8 of the draft Development Consent Order (3.1, Rev 2)**.

The route to the west of the M3, from Winnall to Kings Worthy shown on the public rights of way and access plans between points 16, 4 and 15 route will be a cycle track. The preferred option identified in **Appendix 3.3 (Non-Motorised User Route**

**Options**), of the **ES (6.3, APP-082)** has been determined based on existing site constraints. This route runs alongside the A34 and there is insufficient room to accommodate a bridleway.

The route to the east of the M3 shown between points 1 and 2 will be a bridleway as shown on the **Rights of Way and Access Plans (2.4, Rev 1)**. The bridleway on the east side is the preferred classification of South Downs National Park and Hampshire County Council.

The realignment of the pre-existing bridleway from underneath the gyratory to Easton Lane between points 3 and 4 on **Sheets 6 and 7** in the **Rights of Way and Access Plans (2.4, Rev 1)** will remain a bridleway as shown. The extent of bridleway has been designed to match as close as possible to the existing arrangement with the addition of a wider and higher than existing subway, with mounting blocks either side and a turning facility at the end.

ExQ1	Question to:	Question:
Q16.1.33	Stopping up of highway The Applicant and Hampshire County Council	Please confirm that the proposed sections of highway to be stopped up are all necessary and that the land will be returned to the Applicant.  Additionally, please confirm that the local highway authority agrees to the process and the proposals for work on highway where they will be the maintaining authority.

### Applicant Response

Areas shown to be stopped up are all necessary and the land to be returned will vary between the Applicant and the Local Highway Authority (Hampshire County Council).

The proposals are being discussed with the local highway authority (Hampshire County Council) and will be documented in the Statement of Common Ground.

## 2.17 Waste and Material Resource

ExQ1	Question to:	Question:
Q17.1.1	Mineral Safeguarding Area The Applicant	<p>Within the application boundary there is a mineral safeguarding area.</p> <p>Please confirm that the lead Local Authority for the Hampshire Minerals and Waste Plan has been consulted on this in general and whether they were consulted on the Minerals and Safeguarding Assessment [APP-136] and made any comments</p>
<b>Applicant Response</b>		
<p>Hampshire County Council is the Minerals and Waste Planning Authority and is a statutory consultee for the Scheme.</p> <p>As shown within <b>Appendix B (List of Consultees)</b> of the <b>Consultation Report (5.1, APP-025)</b>, Hampshire County Council was formally consulted by the Planning Inspectorate as required by Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>Comments and responses to the Scoping Opinion received in November 2020 are provided in <b>Appendix 4.2 (Scoping Comments and Responses)</b> of the <b>ES (6.3, APP-084)</b>. Comments and responses received during statutory consultation between May and June 2021 are provided in <b>Appendix K (Summary of Relevant Responses to the 2021 Statutory Consultation and 2021 Targeted Consultation)</b> of the <b>Consultation Report (5.1, APP-038)</b>.</p> <p>The Applicant held a series of workshops, including with Hampshire County Council, to discuss the potential environmental impacts of the Scheme and how best to mitigate them. These discussions helped to determine the information to be presented in the Preliminary Environmental Information Report ('PEIR') presented at the 2019 consultation.</p> <p>No comments have subsequently been made by Hampshire County Council in relation to the Mineral Safeguarding Assessment.</p>		



The Applicant has liaised with Hampshire County Council as the Local Planning Authority throughout the development of the Scheme. This has included engagement both within and outside the formal statutory consultation periods. Hampshire County Council is actively engaged in and provides comments on the development of the Scheme, and all its relevant Departments including Minerals and Waste have been given opportunities to raise concerns or provide comments to the Applicant. The Minerals and Waste Planning team specifically has had no comments on the Scheme.

ExQ1	Question to:	Question:
Q17.1.2	Assessment methodology The Applicant	Paragraph 10.4.23 Chapter 10 of the ES [APP-051] states that “information relating to the sources of construction materials, and the likely level of recycled content is not available at this stage of the Scheme”.  Please update the ExA on progress with this and provide information on the recycled content of proposed construction material and how this will be secured within the DCO.

### Applicant Response

The Applicant is unable to provide further updates on the sources of the construction material and the likely level of recycled content until further design details relating to how the Scheme will be constructed are available.

However, a Site Waste Management Plan will be implemented, in line with good practice and **Appendix E (Draft Site Waste Management Plan)** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. The Site Waste Management Plan will include information on the use of recycled and secondary materials within the Scheme. In addition, Commitment MA8 in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** will seek to maximise the use of renewable materials and materials with recycled or secondary content. This will be secured via **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

ExQ1	Question to:	Question:
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Q17.1.3	Mitigation The Applicant	Chapter 10 of the ES [APP-051] table 10.13 details mitigation measures which are mostly generic and non-specific.  Please provide additional specific detail of how and where the mitigation shown and listed in the fiEMP [APP-156] will be implemented.
<b>Applicant Response</b>		
<p>Mitigation will be detailed and implemented through the following documents, all of which will be secured through <b>Requirement 3</b> of the <b>draft Development Consent Order (3.1, Rev 2)</b>:</p> <ul style="list-style-type: none"> <li>▪ A Site Waste Management Plan prepared in accordance with good practice and <b>Appendix E (Draft Site Waste Management Plan)</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>.</li> <li>▪ A Materials Management Plan prepared in accordance <b>Appendix F (Draft Materials Management Plan)</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>.</li> <li>▪ A Soil Management Plan prepared in accordance with the <i>Defra Construction Code of Practice</i> (Department for Environment, Food and Rural Affairs, 2009) and with <b>Appendix C (Draft Soil Management Plan)</b> of the <b>first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)</b>.</li> </ul>		
<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q17.1.4	Mitigation The Applicant	Chapter 10 of the ES [APP-051] references the Principal Contractor being committed to diverting 95% of waste from landfill.  Please give further details on the anticipated remaining residual waste elements and how the figure of 95% will be monitored, improved upon and secured in the DCO.
<b>Applicant Response</b>		

Entry **MA5** in **Table 3.2** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)** commits the Principal Contractor to divert 95% of non-hazardous waste (by weight) away from landfill disposal and move this material up the waste hierarchy for reuse, recycling and recovery. This commitment will be secured through **Requirement 3** of the **draft Development Consent Order (3.1, Rev 2)**.

Where appropriate, waste materials will be processed for re-use and recycling. If this is not possible, they will be considered for energy recovery prior to disposal through landfill in accordance with the principles of the waste hierarchy.

Records will be kept every time waste is removed from site, including capturing information and data relating to waste sent to landfill. Regular reports will be produced as part of the Site Waste Management Plan which will be prepared and appended to the second iteration Environmental Management Plan (siEMP) in accordance with good practice and **Appendix E (Draft Site Waste Management Plan)** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2)**. Regular monitoring through site audits (including waste), will be undertaken in accordance with the Environmental Management System.

ExQ1	Question to:	Question:
Q17.1.5	Waste The Applicant	<p>Chapter 10 of the ES [APP-051] states that the majority of waste from the site is predicted to be inert earthworks and surplus excavated material. There is no indication of where the material may be disposed of.</p> <p>Please provide details of options for disposal locations and distance to be travelled.</p> <p>Please also update the ExA regarding further discussions and design refinements being progressed to reduce this surplus.</p>

**Applicant Response**

Under duty of care provisions in the *Environmental Protection Act* (1990) waste material being moved off site will need to be handled and transported by the licenced waste contractor. The waste contractor/s will be appointed by the Principal Contractor.

The specific location(s) of disposal sites are not known at this stage and will be determined by the waste contractor when required. However, the table provided below identifies the nearest appropriate installations of inert landfill sites with capacity as at 2019 (datasets for remaining landfill capacity by site in England at the end of the 2019 calendar year – Available online at: [2019 Remaining Landfill Capacity \(data.gov.uk\)](https://data.gov.uk/dataset/2019-remaining-landfill-capacity) together with distances to travel from the Application Boundary. The list is not exclusive and will be dependent on available capacity and contractual arrangements at the time.

The Applicant is unable to provide further details on design refinements and how waste surpluses may be reduced until detailed designs are confirmed.

Operator name	Facility name	Facility address	County	Site type	Remaining capacity end 2019 (cubic metres)	Distance to travel (miles)
Raymond Brown Eco Bio Limited	Rookery Farm Landfill	Botley Road, Burridge, SO31 1BL	Hampshire	L05 – Inert Landfill	879,885	19.9
G. B. Foot Ltd	Manor Farm Landfill Site	Manor Farm, Tadley, RG 26 5HW	Hampshire	L05 – Inert Landfill	223,000	23.2
Raymond Brown Minerals & Recycling Ltd	Brickworth Quarry	Harestock, Whiteparish, Wiltshire, SP5 2QE	Wiltshire	L05 – Inert Landfill	31,468	24.4
Cemex UK Ltd	Bleak Hill 1 Landfill Site	Nea Road, Ringwood, BH24 3PL	Hampshire	L05 – Inert Landfill	1,335,075	33.6
Portland Stone Ltd	Broadcroft Quarry Landfill	Portland, DT5 1HY	Dorset	L05 – Inert Landfill	102,419	75.8
G Crook & Sons Ltd	Admiralty Quarry	Admiralty Quarry, Easton Lane, Fortuneswell, Isle of	Dorset	L05 – Inert Landfill	181,903	76.4

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		Portland, Dorset, DT5 1DB				
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**Appendix A**                      **Cart and horses junction position statement**

## Appendix A – Cart and Horses Junction Position Statement

Subject: Cart and Horses junction
BIM Document Reference: HE551511-VFK-LSI-XXXX_XX-TN-TP-40001
Revision: P01
Date: 15 June 2023
Author: M3 Junction 9 Improvement Team, National Highways

### 1.1 Purpose of this document

1.1.1 The purpose of this document is to state the position of National Highways (the Applicant) regarding the Cart and Horses junction to assist the Examining Authority (ExA) in responding to Written Questions 4.1.8 and 16.1.4. These questions are copied below.

#### Q4.1.8

1.1.2 *'A number of RRs including that of Hampshire County Council (HCC) refer to impacts on the local highway network, including the operation of the A33/B3047 junction. The Case for the Scheme [APP154] section 2.10 relates to the 2022 meeting between the Applicant and HCC regarding this 'Cart and Horses Junction'. Please explain the consideration given to the option of including associated improvements to the junction in response to the additional traffic resulting from the scheme within the DCO application and why the parties agreed that it was not possible for the scheme to be amended to incorporate this within the DCO scheme. Please indicate whether any further discussions have been held between the Applicant and HCC on this topic and, if so, what progress has been made.'*

#### Q16.1.4

1.1.3 *'There appears to be conflicting information in the application documentation regarding the Cart and Horse junction and what changes may or may not be deemed necessary by the Applicant and within the application boundary. There are also conflicting replies to consultation in this regard and how those consultation replies have been taken forward into the application. Please provide a clear statement of the position of the junction within the application, including any statements from the Stage 1 safety audit relating to the A33 and the Cart and Horses junction.'*

### 1.2 Background

1.2.1 Throughout the 2021 statutory consultation for the proposed Scheme, several design concerns were raised to the Applicant over the exclusion of improvements to the Cart and Horses junction between the A33 'Winchester

Bypass' and London Road in Kings Worthy. In **Table 12.11** of the **Consultation Report (5.1, APP-025)**, the Applicant has had regard to these suggestions, explaining that *“The Cart and Horses junction is owned by Hampshire County Council and lies outside the Application Boundary. The M3 Junction 9 strategic model includes the Cart and Horses junction. The 2047 traffic forecasts predict an increase in traffic flow along the A33, a decrease in traffic flow along the B3047 and a reduction in delay at the B3047 approaches with the introduction of the Scheme. It is not considered a requirement within this Scheme to undertake improvements at this junction.”*

- 1.2.2 A meeting between Hampshire County Council and the Applicant took place on 27 September 2022 in which Hampshire County Council confirmed that they have started work on plans to amend the layout of Cart and Horses junction to address existing concerns.
- 1.2.3 Hampshire County Council were unable to provide information regarding engineering, funding, or timescales for additional works on the Cart and Horses junction. Whilst agreeing that further discussions would be held on this subject, the Applicant confirmed that, improvements to the junction would not be included in the DCO application.

### **1.3 Hampshire County Council's position**

- 1.3.1 The Cart and Horses junction has a long-standing local reputation as an accident hot spot. It is Hampshire County Council's view that the implementation of the Scheme would increase traffic through the Cart and Horses junction, detrimentally impacting safety at the junction. Hampshire County Council wished for improvements to the Cart and Horses junction to be developed and integrated as part of the Scheme application.
- 1.3.2 Hampshire County Council's modelling predicted that there would be an increase on the main arms of the Cart and Horses junction, reaching capacity in future years, and that the safety of this junction was of their primary concern.

### **1.4 The Applicant's position**

- 1.4.1 The Applicant's modelling predicted that, whilst an increase in through-traffic at this junction was predicted, it had also predicted a reduction in right turns once the Scheme was in place and that this reduction would result in a reduction in conflicting traffic movements and thereby improved safety from that of a Do Minimum situation without the Scheme.
- 1.4.2 The Applicant's modelling shows that the Scheme is not predicted to negatively impact the safety levels of the Cart and Horses junction. The predicted impacts from the Strategic Model are not deemed to result in significant change in junction performance from that of the Do Minimum (without the Scheme). The impacts that are predicted generally improve the junction performance. In the 2047 forecasts (20 years after opening), the inclusion of M3 Junction 9 Improvement Scheme is predicted to:



- Decrease average delay per vehicle in the morning and evening peak hours
- Decrease conflicting “right turning” traffic by 22% in the morning and 11% in the evening
- Decrease B3047 approach flows at the junction by 13% in the morning and 7% in the evening
- Increase in A33 approach flows at the junction by 10% in the morning and 27% in the evening
- Reduce delay at B3047 approaches

1.4.3 The Applicant appreciates there is a strong local desire to improve this junction and that whilst improvements to the Cart and Horses junction would be well received by the community, much of the feedback throughout the Scheme’s consultation encouraged the current layout of the Scheme to go ahead without further delays.

1.4.4 It is the Applicant’s understanding that significant further technical work is required to be undertaken by Hampshire County Council to develop a clear design and rationale for any proposed changes to the junction. Without a clear understanding of the modelling, design, materials, costs and programme the Applicant is unable to consider incorporating any change to the Cart and Horses junction.

1.4.5 To incorporate this junction significant further design, assessment and consultation work would need to be undertaken with a revised DCO application being required. Given the delays suffered by the Scheme to date the Applicant is unable to delay the delivery of the much-needed improvements to M3 Junction 9 any further.

## 1.5 Summary

1.5.1 The Applicant welcomes the emerging plans from Hampshire County Council to improve the Cart and Horses junction at Kings Worthy. Whilst Hampshire County Council do not yet have an agreed programme, funding plan or fully developed design for improvements at this junction, the Applicant maintains that works at this junction must be considered outside of the DCO process for this Application. The Applicant is willing to continue to engage with Hampshire County Council as it develops its proposal to improve the Cart and Horses junction.


## 1.6 The Stage 1 Road Safety Audit

1.6.1 The Stage 1 Road Safety Audit reports and designers’ responses, are included in **Appendix C** of the **Applicant Response to the Examining Authority’s First Written Questions (Document Reference 8.5)**.

- 1.6.2 The reports do not specifically identify any issues with the Cart and Horses junction. The report does raise four points associated with the A33 between the Cart and Horses junction and the A33 / M3 NB on slip roundabout. See **Table 1.1** below for the relevant extracts.

Table 1.1 Extract from: Road safety audit decision log

RSA problem ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
2.2.1 (see <b>Figure 1.1)</b>	<p><b>Location:</b>                      A33 Link Road, between tie-in to existing road and business estate junctions.</p> <p><b>Summary:</b>                      Risk of collisions associated with high speed, such as loss of control and hazardous overtaking.</p> <p>The road is designed as “single lane dualling” with a central reservation and large amounts of cross hatch road markings. This type of layout indicates a high-speed road, through the speed limit will be 40mph. Therefore, compliance with the speed limit is likely to be low and higher actual speeds could increase the risk of collisions, such as loss of control and those involving hazardous overtaking.</p>	<p>The road should be redesigned as a two-lane single carriageway without a central reservation or large expanses of cross hatching. This would give a better impression of a lower speed road.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>At this location the proposed highway geometric alignment is tying into the existing alignment (existing central reservation). Whilst it is accepted that there is a large amount of road marking hatching, this provides provision for vehicles to ‘pass’ broken down vehicles.</p> <p>Amending the alignment to remove the existing central reservation would necessitate a significant amount of additional works and necessitate the need to reconfigure the Kings Worthy Junction.</p>	<p>Design Organization’s response is accepted and agreed.</p>	<p>The designers response is noted at this stage and will be further reviewed and developed during the detailed design Stage 5.</p>

RSA problem ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
2.2.2 (see Figure 1.2)	<p><b>Location:</b> Proposed A34 southbound and A33 Link Road</p> <p><b>Summary:</b> Risk of injury if verge is too narrow to accommodate VRS and anti-glare screen.</p> <p>Where the two roads will run parallel to each other, the separator verge appears narrow and there may not be sufficient width to accommodate the vehicle restraint system (VRS), taking into account its working width, and the anti-glare screen. Therefore, road users could be injured if the VRS fails to prevent incursions into the opposite carriageway, or if the VRS is unable to deform as intended due to the presence of the anti-glare screen.</p>	It should be ensured that the verge separating the two carriageways is sufficiently wide to accommodate the VRS and the anti-glare screen.	<p><b>Recommendation: Accepted</b></p> <p>The proposed design currently outlines significant width to accommodate the VRS and the anti-glare screen installation with adequate working widths based on the cross section illustrated. It should be noted that this cross-section was omitted from the original submission.</p> 	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.2.4 (see Figure 1.2)	<p><b>Location:</b> A33 Link Road – chainages 1060 to 1260</p> <p><b>Summary:</b></p>	The horizontal curvature should be adjusted so that a Section C curve is not used.	<p><b>Recommendation: Not Accepted</b></p> <p>The comment is accepted however, in this instance amending the horizontal</p>	Design Organization's response is accepted and agreed.	In line with Designer Organisation response.

RSA problem ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	<p>Risk of head-on type collisions if road users make injudicious overtaking manoeuvres.</p> <p>It appears that a “Section C” horizontal curve (1100m) is proposed along the A33 Link Road, where the speed limit is proposed to be 40mph (70kph design speed). As mentioned above, this would be within the radii not recommended in DMRB CD 109 and collisions could occur if road users carry out injudicious overtaking manoeuvres.</p>		<p>alignment to provide a Section B type curve would necessitate works within the adjacent land which consists of SSSI and SAC classifications. The existing bridges crossing the River Itchen would also need to be demolished and new bridges provided which would have a significant cost impact to the scheme.</p> <p>To mitigate against the risk of vehicles attempting to overtake within this section, the road speed limit will be changed back to the existing 50mph, with the right-hand turning lane taper increased into the adjacent business park. Double white centre lines and signage to TSRGD Diag. 521 will also be provided.</p>		

RSA problem ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
			We have produced a technical note on this item which formed part of the departure conversations with Mark Howes (NH), this technical note summarises why the Type B curve cannot be used.		
2.6.4 (see <b>Figure 1.1</b> )	<p><b>Location</b>            A33 Link Road; uncontrolled pedestrian crossing point near northern tie-in</p> <p><b>Summary:</b>            Risk of pedestrians being struck by vehicles as they cross wide carriageway            Pedestrians could be vulnerable crossing the wide carriageway, where speeds could be high. In particular, if pedestrians wait on the crosshatch road markings, they will have a false sense of security and could be struck by vehicles that veer into this area.</p>	The crossing point should be, made safer by incorporating, buildouts into the hatched, areas to reduce the crossing, distance. (See also Problem 2.2.1).	<p><b>Recommendation: Accepted</b>            This recommendation will be incorporated within the current proposed works going forwards.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.

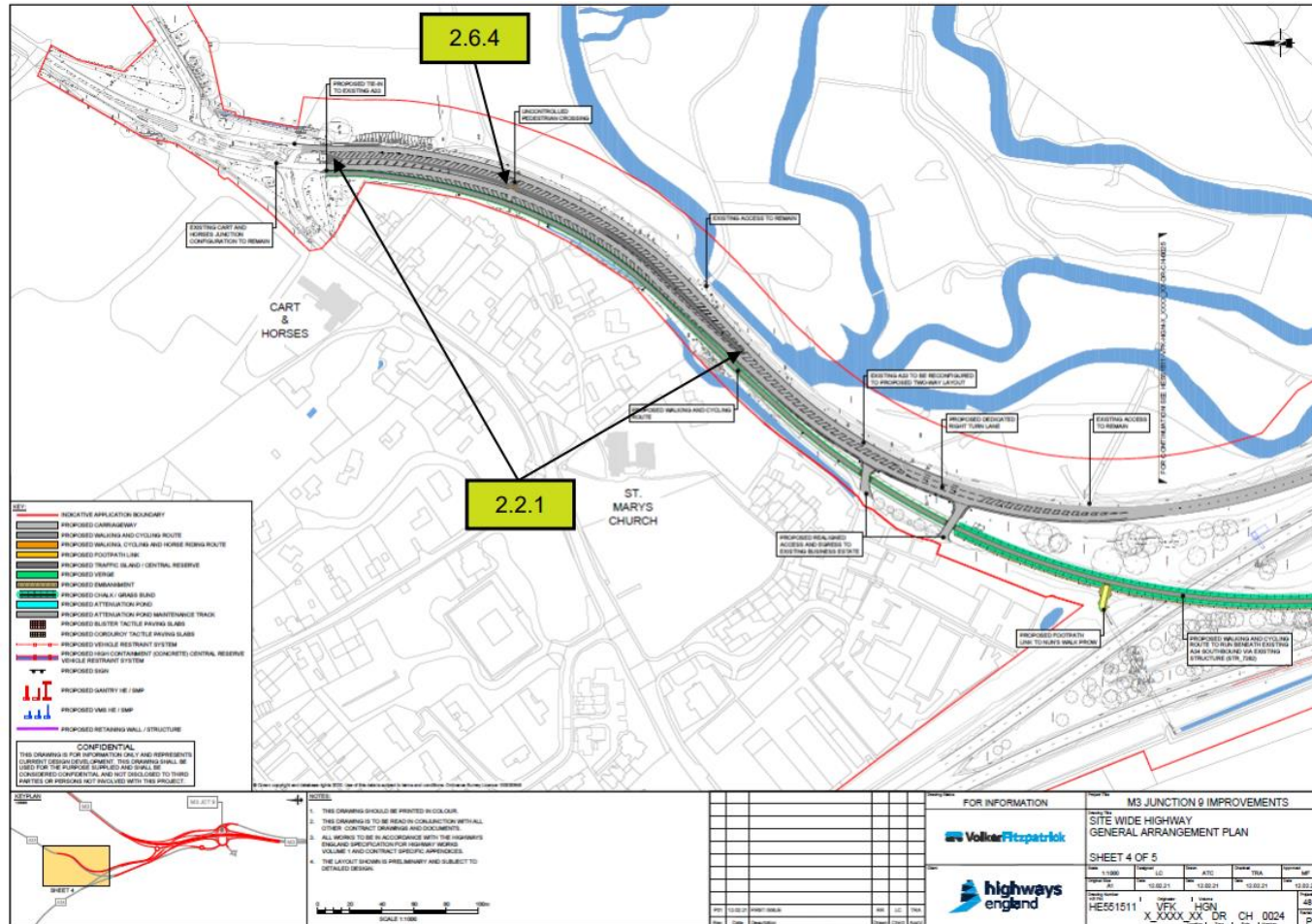


Figure 1.1: RSA problem 2.2.1 and 2.6.4 (extract from Appendix C of the Applicant Response to the Examining Authority's First Written Questions (Document Reference 8.5))





**Appendix B**                      **River Itchen Lamprey Condition Assessment  
APEM (2017)**



**River Itchen brook lamprey condition assessment**

**Environment Agency**

**APEM Ref: P00001758**

**Date: 23 August 2017**

Dr Iain Stewart-Russon and Nick Monaco

**Client:** Environment Agency

**Address:** Romsey Office

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**Project reference:** P00001758

**Date of issue:** August 17

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## Revision and Amendment Register

Version Number	Date	Section(s)	Page(s)	Summary of Changes	Approved by
1	August 17	N/A	N/A	First draft	PD
2	August 17	Various	Various	Addressing client comments and finalisation	PD

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## 1. Introduction

A condition assessment of brook lamprey (*Lampetra planeri*) populations in the River Itchen Special Area of Conservation (SAC), Hampshire, was required by The Environment Agency. The area to be covered for this assessment comprises an approximately 12 km stretch of river channel from Highbridge (SU 46751 21414) to the tidal limit at Woodmill (SU 43949 15231), which is the most downstream Site of Special Scientific Interest (SSSI) management unit (and also a Special Area of Conservation [SAC]) on the Itchen (**Figure 1.1**).

This report outlines the methodology and results of the condition assessment.

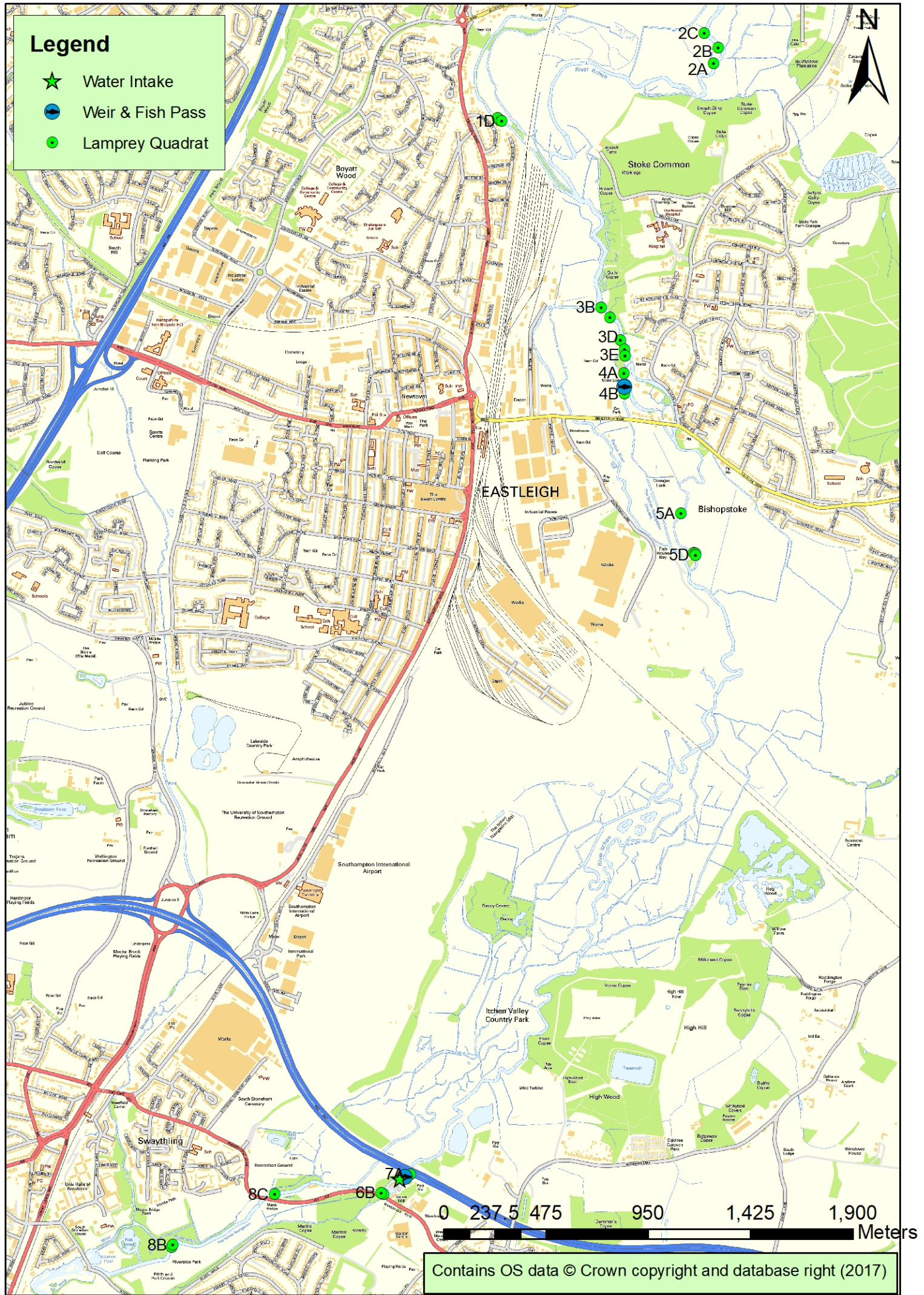


Figure 1.1. Site and lamprey quadrat locations on the River Itchen.

## 2. Methodology

The assessment methodology followed is that outlined by JNCC Common Standards Monitoring Guidance (JNCC, 2015). The JNCC (2015) survey methodology focuses on juvenile lamprey populations and habitat, not adult life stages, and is outlined in the following sub-sections.

### 2.1 Habitat assessment

The JNCC (2015) standards recommend that a walkover survey is undertaken over each assessment unit to record the range of habitat types present, this was deemed unnecessary at this location by the Environment Agency (given the large area, approx. 12 km including side channels, area to be covered).

Instead, a reconnaissance visit with both APEM and Environment Agency representatives present was undertaken on the 9<sup>th</sup> August, to identify suitable sampling areas within the sampling unit. Due to the nature of the watercourse and its management primarily as a salmonid fishery, areas of suitable and accessible lamprey habitat (i.e. silt deposits on river margins, fine sediments interspersed with coarser substrate, emergent vegetation rooted in silt, and areas of submerged tree roots and woody debris where sediments have accumulated; JNCC, 2015) were found generally to be fairly sparse making selection of four suitable quadrat sites within a 100 m section infeasible at the majority of sites. It was also noted that in many cases silted areas are locked within macrophyte beds making them inaccessible and unsuitable for lamprey sampling. Instead an ad-hoc approach to sampling sites was taken with sampling being undertaken at areas of suitable and accessible habitat located to give as complete coverage of the unit as possible. A total of eight suitable survey sites ((**Figure 1.1**), and 24 quadrat locations (**Table 2.1**) were identified within the assessment unit. No suitable sites were identified within a large section of the unit from NGR SU 46881 18058 to SU 45431 15691, primarily owned and managed by the Lower Itchen Fishery. This reach comprised largely of deep or fast flowing water, with any areas of siltation being cleared frequently by the fishery to improve habitat for spawning and juvenile salmonid species.



**Table 2.1. Quadrat locations.**

Site / quadrat	NGR
1A	SU4582920560
1B	SU4582520566
1C	SU4582220570
1D	SU4584320559
2A	SU4681320822
2B	SU4684620903
2C	SU4677620960
3A	SU4633719639
3B	SU4630119691
3C	SU4638719535
3D	SU4640519493
3E	SU4640819463
4A	SU4639219383
4B	SU4640019293
5A	SU4666718729
5B	SU4672118557
5C	SU4673518542
5D	SU4672118526
6A	SU4528715568
6B	SU4528015574
7A	SU4539515660
8A	SU4430415322
8B	SU4430915331
8C	SU4478115566

Each of the eight survey sites are discussed in more detail below:

#### 2.1.1 Site 1

Four suitable survey locations were chosen within the Itchen Navigation, locations 1A, 1C & 1D were comprised of marginal silt deposits with an approximate silt depth of 0.2 m, some accompanying macrophyte growth, and were considered of favourable quality for lamprey ammocoetes. Location 1B comprised an area of gravel and pebble substrate with a fine covering layer of silt and was considered to afford sub-optimal ammocoete habitat.

#### 2.1.2 Site 2

Locations 2A, 2B and 2C were located furthest upstream of all survey locations. Habitat generally comprised shallow fast run or deep glide with areas of marginal silt deposition generally locked within beds of emergent macrophyte, and therefore unsuitable for quadrat deployment. The three survey locations were undertaken in marginal areas of gravel with a fine covering of silt, and could therefore be considered as sub-optimal ammocoete habitat.

### 2.1.3 Site 3

Five survey locations were sampled at Site 3. Survey habitat generally comprised marginal silt deposits with a silt depth of between 0.15 – 0.25 m. Sites 3D and 3E also featured coarse woody material and bankside roots alongside the silt deposits. Surveyed habitat was considered to be of optimal quality.

### 2.1.4 Site 4

Two survey locations were sampled at Site 4, one upstream and one downstream of a weir with a fish pass located at SU 46404 19318. Habitat sampled at site 4A, located in the impounded reach upstream of the weir consisted of deep silt considered to provide optimal ammocoete habitat. Site 4B, located downstream of the weir consisted of marginal sand/silt adjacent to an area of fast flowing run habitat and was considered to provide sub-optimal ammocoete habitat.

### 2.1.5 Site 5

Four suitable survey locations were identified at Site 5. Location 5A comprised marginal silt and submerged macrophyte, and was considered to provide optimal ammocoete habitat. Locations 5B, 5C and 5D comprised of marginal sand and gravel with a covering of silt, considered to be sub-optimal habitat conditions for ammocoetes.

### 2.1.6 Site 6

Two survey locations were sampled approximately 100m downstream of a water intake located at NGR SU 45360 15637 and a weir with a fish pass located at NGR SU 45377 15656. In general, accessible marginal habitat was scarce within the reach due to excessive river depth; however, two locations deemed to provide sub-optimal ammocoete habitat were sampled. Locations 6A & 6B comprised of shallow silt covering over a bed of sand and gravel. A large sediment deposit was noted in the centre of the channel where two arms of the river meet; however, due to river depth it was not possible to access and sample at this location.

### 2.1.7 Site 7

Site 7 was located within a large silt deposit upstream of the water intake and weir with a fish pass discussed for Site 6. The site, located within a salmon beat, is a popular fishing location and as such access time was restricted to a single 20 minute window, in which it was possible to survey one quadrat only. The deep silt present at this location was considered to provide optimal ammocoete habitat.

### 2.1.8 Site 8

Site 8 represented the most downstream reach surveyed within the unit. Locations 8A and 8B were situated in areas of marginal siltation within an impounded reach, and were considered to provide optimal ammocoete habitat. Further upstream, location 8C comprised an area of silted sand considered to provide sub-optimal ammocoete habitat.

## 2.2 Electric fishing surveys

Electric fishing surveys were undertaken on the 10<sup>th</sup> and 11<sup>th</sup> August 2017. Where feasible, determined by available lamprey habitat, four electric fishing samples covering all distinct lamprey habitats present were undertaken within each of the eight sites. The electric fishing method as outlined in the JNCC (2015) standard was followed. Habitats were surveyed quantitatively (where possible) using a 1 m<sup>2</sup> quadrat (**Figure 2.1**), enclosed with 2 mm fine mesh netting, positioned over the selected habitat within each survey site and then left to settle. As brook lamprey show a preference for shallow areas (as opposed to sea lamprey which are often found in deeper water) this survey focussed on shallow water areas (< 1m deep) only.



**Figure 2.1.** The 1 m<sup>2</sup> lamprey survey quadrat in situ on the River Itchen.

Electric fishing was undertaken within the quadrat in such a way as to draw individual lamprey out of the sediment rather than stunning and trapping them in the silt. To do this the anode was energised (held 15cm above sediment) in short bursts of 20 seconds followed by 5 second gaps, and the cycle repeated over a two minute period. This procedure is classed as a single run, which was subsequently repeated at least twice within the same quadrat (with a five minute gap between runs), to enable an absolute population estimate to be made using the Carle and Strub depletion methodology (Carle & Strub, 1978).

The Carle & Strub (1978) method centres on the premise that the number of fish caught in each of the runs reduces as the ammocoete population in the site area becomes depleted. For example, in the first run 15 ammocoetes may be caught, followed by seven in the second run and three in the final run. The Carle and Strub (1978) methodology then takes these figures and calculates an absolute estimate for the population present within the 1 m<sup>2</sup> habitat site based upon the depletion over the three runs. In some cases, the first run may result in very few ammocoetes being caught in comparison to the second due to the ammocoetes taking longer to be drawn out of the silt. As is standard in such situations, further runs would then be carried out. The Carle and Strub calculation will then be applied to the last three runs and the number of ammocoetes in the first run simply added on to this calculated estimate to provide an overall total population estimate. Where the Carle and Strub method could not be used (e.g. due to low numbers of fish captured, and / or a suitable catch depletion not attained after multiple runs), the minimum population estimate (i.e. the number a fish captured) is provided.

### 2.3 Species identification

Two other species of lamprey, river lamprey (*L. fluviatilis*) and sea lamprey (*Petromyzon marinus*), inhabit similar habitat to juvenile brook lamprey. All lamprey ammocoetes and transformers will be measured to the nearest mm and identified in the field, distinguishing between *Lampetra* spp. (river or brook lamprey) and *Petromyzon* (sea lamprey) for ammocoetes and individual species for transformers (Gardiner, 2003). Following measurement and identification, all lamprey were returned to the exact area of substrate sampled.

In the field, sea lamprey can be distinguished from river/brook lamprey at both the ammocoete and transforming stage of their lifecycle. Sea lamprey ammocoetes can be identified by the presence of pigmentation on the lower half of the oral hood and on the caudal fin. Ammocoetes without this pigmentation will be categorised as *Lampetra* genus.

River and brook lamprey are indistinguishable during the ammocoete life stage and can only be differentiated once they transform. Transformation commences in river lamprey at a length of less than 120 mm (typically 90 – 120 mm), whilst brook lamprey typically metamorphose at a length of 120-150 mm (Maitland, 2003)<sup>1</sup>.

### 2.4 Data outputs

The electric fishing data was analysed based on the JNCC (2015) condition assessment criteria set out for classifying lamprey populations in SSSI/SAC rivers. This method classifies *Lampetra* spp. lamprey populations as 'favourable' or 'unfavourable' based on the following criteria:

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<sup>1</sup> Only one juvenile lamprey greater than 120 mm in length was captured (see results), and thus can be identified as a brook lamprey ammocoete. It was not possible to distinguish brook and river lamprey for all other captured fish.

## 1. Population

- a. Spatial extent
    - Should reflect distribution under near-natural conditions.
    - Should be present at over 50% of sampling sites with suitable habitat present.
  - b. Annual run size – not applicable to this survey, which covers juveniles only.
  - c. Age structure
    - Length frequency analysis should be performed using 2mm length categories.
    - There should be evidence of recent recruitment within each assessment unit.
    - Where 20-50 individuals are caught at a single site, at least two distinct size classes should be present.
    - If more than 50 individuals are caught, at least three size classes should be present.
    - Where less than 20 individuals per site were captured, compliance with this target should not be assessed<sup>2</sup>.
  - d. Larval lamprey density (*Lampetra* species only) – for an overall assessment unit (i.e. site), mean densities in suitable habitat should be >5 per m<sup>-2</sup> in suitable habitat.
2. **Water quality** – not applicable to this survey, which comprises a population condition assessment only.
  3. **Flow** – not applicable to this survey, which comprises a population condition assessment only.
  4. **Habitat structure**
    - a. A walkover survey was not undertaken as part of this assessment, a condition assessment according to habitat availability was therefore not possible.
    - b. No previous condition assessment has been carried out for lamprey on the River Itchen. Hence, assessing population status by comparing species' historic and current distributions is not possible at this stage; However, the data provided by this survey comprises useful baseline data with which future survey data could be compared to JNCC (2015) criteria.

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<sup>2</sup>Note: The maximum number of lamprey captured at any survey site was 11, and therefore the age structure target could not be assessed.

### 3. Results

The results of the lamprey surveys are summarised in **Table 3.1** and **Table 3.2**.

**Table 3.1. River Itchen brook / river lamprey survey and catch depletion data per quadrat.**

Site / quadrat	Number caught	Catch depletion estimate	Probability of capture	Catch depletion method
1A	8	9	0.347826	Carle & Strub
1B	0	N/A	N/A	N/A
1C	0	N/A	N/A	N/A
1D	3	3	N/A	Min. pop. est.
2A	0	N/A	N/A	N/A
2B	2	3	0.4	Carle & Strub
2C	0	N/A	N/A	N/A
3A	1	1	N/A	Min. pop. est.
3B	0	N/A	N/A	N/A
3C	4	5	0.4	Carle & Strub
3D	0	N/A	N/A	N/A
3E	5	5	N/A	Min. pop. est.
4A	1	1	N/A	Min. pop. est.
4B	1	1	N/A	Min. pop. est.
5A	8	9	0.5	Carle & Strub
5B	2	3	0.4	Carle & Strub
5C	0	N/A	N/A	N/A
5D	0	N/A	N/A	N/A
6A	7	8	0.350000	0.35
6B	0	N/A	N/A	N/A
7A	5	6	0.416667	Carle & Strub
8A	0	N/A	N/A	N/A
8B	0	N/A	N/A	N/A
8C	2	3	0.4	Carle & Strub (but omitting run 1 then add it to pop. est. made from runs 2, 3, & 4)

**Table 3.2. Summary of brook / river lamprey survey data per site for the condition assessment of the River Itchen.**

Site	Lamprey present (P) / absent (A)	Number caught	Catch depletion estimate	Number of quadrats sampled	Density (per m <sup>2</sup> ) from catch depletion	Length (mm)		
						Min.	Max.	Mean
1	P	11	12	4	3	60	110	82
2	P	2	3	3	1	65	150	108
3	P	10	11	5	2.2	70	120	93
4	P	2	2	2	1	65	70	68
5	P	9	12	4	3	55	115	84
6	P	7	8	2	4	45	90	74
7	P	5	6	1	6	45	80	56
8	P	2	3	3	1	55	110	83

In addition to the brook / river lamprey captured, a single 85 mm long sea lamprey ammocoete was caught at survey site 8b (the most downstream site surveyed).

A total of 48 brook / river lamprey ammocoetes were captured throughout all eight sites, with no transformers present in the catch. The length of lamprey ranged from 45 to 150 mm, with only one individual longer than 120 mm, which was therefore likely to be a brook lamprey.

Insufficient numbers of lamprey (i.e. less than 20 individuals per site) were captured to allow the age structure to be assessed through length frequency analysis.

Brook / river lamprey were captured in all sites surveyed, and therefore meets the minimum condition status criteria of 'Lampetra should be present in not less than 50% of all sampling sites surveyed...' (JNCC, 2015) for favourable condition.

Larval lamprey density was less than the more than 5 per m<sup>2</sup> target required in suitable habitat for favourable condition status at all sites but site 7 (which was ascertained from only one quadrat due to access limitations; see **Section 2.1.7**). The majority of sites are therefore not in favourable condition.

## 4. Conclusions

Based on the limited number of condition assessment criteria that could be assessed (i.e. presence / absence, and density only), the SSSI (SAC) unit assessed is in unfavourable condition for brook / river lamprey, despite a present throughout all survey sites. The finding of unfavourable status is due to the low densities (<5 per m<sup>2</sup>) in all survey sites, with the exception of site 7.

## 5. References

Carle F.L. & Strub M.R., 1978. A new method for estimating population size from removal data. *Biometrics*, 34, 621 – 630.

Gardiner, R., 2003. Identifying Lamprey. A Field Key for Sea, River and Brook Lamprey. *Conserving Natura 2000 Rivers Conservation Techniques Series No.4*. English Nature, Peterborough.

JNCC, 2015. *Common Standards Monitoring Guidance for Freshwater Fauna (2015)*. Joint Nature Conservation Committee. ISSN 1743-8160.

Maitland P.S. (2003) *Ecology of the River, Brook and Sea Lamprey*. *Conserving Natura 2000 Rivers Ecology Series No. 5*, English Nature, Peterborough.



## **Appendix C      Road Safety Audit 1 and the designers' response**



safer roads for everyone

## M3 Junction 9 Improvements, Hampshire

### Road Safety Audit Stage 1

on behalf of Highways England

Client: Stantec

**TMS reference no: 16214**

**Date: 9<sup>th</sup> March 2021**

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# M3 Junction 9 Improvements, Hampshire

## Road Safety Audit Stage 1

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### 1. Introduction

- 1.1 This report describes a Stage 1 Road Safety Audit carried out on road improvements at M3 Junction 9 in Hampshire, on behalf of Highways England. The audit was carried out between 2<sup>nd</sup> and 9<sup>th</sup> March 2021 in the offices of TMS Consultancy.
- 1.2 The audit team members were approved by Anne-Marie Palmer of Highways England and were as follows:

#### **Audit Team Leader**

Harminder Aulak - BSc (Hons), IEng, FIHE, RegRSA (IHE)  
Highways England Approved RSA Certificate of Competency  
Technical Director – Engineering Services, TMS Consultancy

#### **Audit Team Member**

Lee Williams – BSc (Hons), MIHE  
Highways England Approved RSA Certificate of Competency  
Principal Engineer, TMS Consultancy

- 1.3 The audit comprised an examination of the documents listed in **Appendix A**. The Road Safety Audit was undertaken in accordance with the Audit Brief provided and approved by Anne-Marie Palmer (Highways England) on 3<sup>rd</sup> February 2021. The Audit Brief was examined and accepted by the Audit Team on 26<sup>th</sup> February 2021.
- 1.4 The site was visited by the Audit Team on Wednesday 3<sup>rd</sup> March 2021, between 13:00 and 15:00hrs. The weather was cloudy with rain showers. Traffic flows were moderate and free-flowing with little congestion. Pedestrian and cycle flows were low.
- 1.5 The terms of reference of the Road Safety Audit are as described in GG 119. The team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the design to any other criteria.
- 1.6 All of the problems described in this report are considered by the audit team to require action in order to improve the safety of the scheme and minimise collision occurrence.

- 1.7 Scheme drawings are included in **Appendix B**, where the locations of specific problems are referenced. A location plan of the scheme is also included in this Appendix.
- 1.8 The improvements consist of:
- I. Construction of two free-flow links between A34 – M3 south bound and M3 to A34 North bound.
  - II. Construct overbridge above A33 to link M3 to A34 Northbound.
  - III. Replacement of existing gyratory over the junction to accommodate the revised traffic flows which incorporates new bridge connections over the M3 with cycling, walking and horse-riding facilities provided on the southern section.
  - IV. Local accessibility and connectivity improvements on local roads.
  - V. Placement of 4 additional lanes through the junction.
  - VI. 4 improved slip roads to Junction 9.
  - VII. 1 new underpass under the M3 for A34 southbound.
  - VIII. New footbridge over the River Itchen to accommodate the new pedestrian cycle route.
  - IX. 4 New subways to link the pedestrian routes New free flow grade separated links which ease traffic between the M3 to and from Southampton and the A34 to and from Basingstoke and Newbury.
  - X. Widening of the M3 between the south facing roundabout slip roads and new free flow links from a two-lane motorway with a hard shoulder to a four-lane motorway with hardstrips.
  - XI. New walking, cycling and horse-riding routes through the junction proving a grade separated route between the South Downs National Park (SDNP), Winnall and Abbots Worthy.
- 1.9 This has been subjected to a previous Stage 1 Road Safety Audit carried out by Jacobs on 11<sup>th</sup> September 2019. However, this was based on a different scheme arrangement, but some points have been picked up where the design has been replicated. The Audit Report and Designer's Response have been examined as part of this audit.

## 1.10 Road Safety Audit Response Report

Following the completion of the road safety audit, the design team should prepare a road safety audit response report in collaboration with the Overseeing Organisation.

The response report should incorporate the following:

- **Decision Log** spreadsheet, where each Problem and Recommendation in the Safety Audit report is reiterated
- In the Decision Log, a response should be provided by the Design Team and Overseeing Organisation for each problem raised in the RSA report, together with an agreed action

Further information is provided in **GG 119 Sections 4.11 to 4.19** and **Appendix F** (where a road safety audit response report template is available).

The response report should be produced and finalised within *one month* of the issue of the RSA report. A copy of the response report should be issued to the Safety Audit Team for information.

## **2. Items resulting from this Stage 1 Audit**

### **2.1 General**

#### **2.1.1 PROBLEM**

Location: Proposed M3 southbound off-slip road

Summary: Risk of injury of errant vehicles strike a steep sided cutting slope.

There is a high cutting slope along the nearside of the slip-road which could have a steep side slope. If so, it could be a hazard to the occupants of errant vehicles if it is struck at speed and vehicles are rebounded violently. This could result in serious injury.

#### **RECOMMENDATION**

The cutting slope should be risk assessed in accordance with CD 377 to determine if a vehicle restraint system is required to protect the slope, or whether the side slope should be adjusted to reduce its gradient (i.e. made less steep than 1:1).

#### **2.1.2 PROBLEM**

Location: M3 Junction 9 Gyratory

Summary: Risk of injury if vehicles collide into superfluous VRS.

Vehicle restraint systems (VRS) are proposed around the splitter islands on the A272 and A33 Link Road arms. The purpose of the VRS at these locations is not clear and the barrier itself could present a hazard to road users if struck at a high angle or if collisions into the leading terminals occur. The riders of two-wheeled vehicles can be particularly vulnerable during collisions involving VRS.

#### **RECOMMENDATION**

The VRS should be omitted at the splitter islands if there are no hazards to protect.

## **2.2 Alignment and Cross-Sections**

### **2.2.1 PROBLEM**

Location: A33 Link Road, between tie-in to existing road and business estate junctions

Summary: Risk of collisions associated with high speed, such as loss of control and hazardous overtaking.

The road is designed as “single lane dualling” with a central reservation and large amounts of cross hatch road markings. This type of layout indicates a high speed road, though the speed limit will be 40mph. Therefore, compliance with the speed limit is likely to be low and higher actual speeds could increase the risk of collisions, such as loss of control and those involving hazardous overtaking.

#### **RECOMMENDATION**

The road should be redesigned as a two lane single carriageway without a central reservation or large expanses of cross hatching. This would give a better impression of a lower speed road.

### **2.2.2 PROBLEM**

Location: Proposed A34 southbound and A33 Link Road

Summary: Risk of injury if verge is too narrow to accommodate VRS and anti-glare screen.

Where the two roads will run parallel to each other, the separator verge appears narrow and there may not be sufficient width to accommodate the vehicle restraint system (VRS), taking into account its working width, and the anti-glare screen. Therefore, road users could be injured if the VRS fails to prevent incursions into the opposite carriageway, or if the VRS is unable to deform as intended due to the presence of the anti-glare screen.

#### **RECOMMENDATION**

It should be ensured that the verge separating the two carriageways is sufficiently wide to accommodate the VRS and the anti-glare screen.

### 2.2.3 PROBLEM

Location: A33 Link Road – chainages 135 to 425

Summary: Risk of head-on type collisions if road users make injudicious overtaking manoeuvres.

It appears that a “Section C” horizontal curve (1300m) is proposed along the A33 Link Road, where the speed limit is proposed to be 40mph (70kph design speed). This would be within the radii not recommended in DMRB CD 109 (Figure 9.23N2). Therefore, road users may make injudicious overtaking decisions where they may not have a clear view of oncoming vehicles and head-on collisions could occur as a result.

#### RECOMMENDATION

The horizontal curvature should be adjusted so that a Section C curve is not used.

### 2.2.4 PROBLEM

Location: A33 Link Road – chainages 1060 to 1260

Summary: Risk of head-on type collisions if road users make injudicious overtaking manoeuvres.

It appears that a “Section C” horizontal curve (1100m) is proposed along the A33 Link Road, where the speed limit is proposed to be 40mph (70kph design speed). As mentioned above, this would be within the radii not recommended in DMRB CD 109 and collisions could occur if road users carry out injudicious overtaking manoeuvres.

#### RECOMMENDATION

The horizontal curvature should be adjusted so that a Section C curve is not used.



## 2.2.5 PROBLEM

Location: Proposed M3 Underpass

Summary: Risk of loss of control collisions if SSD is less than desirable for actual vehicle speeds.

The proposed retaining wall/structure on the offside of the carriageway immediately beyond the exit to the underpass could restrict the stopping sight distance (SSD) to road users accelerating towards the M3 motorway. This could result in collisions such as loss of control if road users fail to observe a queue of traffic ahead or other obstructions in the carriageway.

### RECOMMENDATION

The position of the retaining wall/structure should be adjusted to ensure the required SSD can be provided, taking into account that actual speeds are likely to be greater than the 50mph speed limit as road users accelerate towards the M3 motorway.

## 2.2.6 PROBLEM

Location: Proposed A33 Link Road

Summary: Risk of side swipe type collisions due to merge arrangement.

Between the Gyratory and the Highways England Depot in the northbound direction, the merge from two lanes to one occurs from the nearside lane. This could increase the risk of side swipe type collisions as slower moving vehicles (such as HGVs) could have difficulty merging with vehicles travelling at higher speed.

### RECOMMENDATION

The layout should be adjusted so that the merge occurs from the offside lane so that the onerous is on higher speed traffic to slow down and merge with slower moving vehicles.

## **2.3 Junctions**

### **2.3.1 PROBLEM**

Location: Proposed M3 Northbound Off-Slip Road

Summary: Risk of side swipe type collisions between diverging vehicles.

The diverge layout is designed as “Layout A option 1 - taper diverge” in reference to DMRB CD 122. This creates a wide expanse of carriageway at the diverge taper. As the M3 motorway is on an uphill gradient on approach to the junction, the differential in speed between diverging vehicles could lead to side swipe collisions if road users attempt to overtake or pull in late onto the slip road.

#### RECOMMENDATION

A “parallel diverge (Layout A option 2)” or a “Layout B option 1 - ghost island diverge” should be provided to improve safety for diverging vehicles.

### **2.3.2 PROBLEM**

Location: Segregated lane at Gyratory towards A272

Summary: Risk of shunt and overshoot collisions due to unusual give-way arrangement at end of segregated lane.

The segregated lane ends with a give-way arrangement. This layout is unusual and road users using the segregated lane would normally expect the lane to end with a merge or short lane gain arrangement. The unusual nature of the layout could lead to shunt collisions if road users brake suddenly or overshoot collisions could occur if road users fail to stop at the give-way line.

#### RECOMMENDATION

The layout should be amended so that the segregated lane ends with a short lane gain arrangement, which then ends with a “two lanes to one” merge over a suitable distance.

### 2.3.3 PROBLEM

Location: M3 Junction 9 Gyratory

Summary: Risk of collisions if vehicle speeds are high around gyratory.

Vehicle speeds could be high around the gyratory as vehicle flows are likely to reduce significantly at the junction. Speeds along the straight sections at the M3 overbridges could be particularly high. This could increase the risk of entry versus circulatory type collisions, especially involving HGVs pulling out at the entries. Side swipe type collisions could also occur if road users change lane at high speed on the circulatory carriageway.

#### RECOMMENDATION

The gyratory should be designed to allow for future signalisation, such as allowing space for signal poles and localised carriageway widening on approach to stop lines.

### 2.3.4 PROBLEM

Location: M3 Junction 9 Gyratory

Summary: Risk of entry versus circulatory type collisions due to low entry angle.

The entry angle appears low on the A273 approach to the gyratory. This is likely to place drivers in a merging position where they have to look back over their right shoulder to see circulating vehicles (especially two-wheelers). Entry versus circulatory type collisions could occur as a result if drivers fail to see vehicles approaching from their right.

#### RECOMMENDATION

The entry angle should be measured and geometric amendments made to ensure the angle is within the ideal range of 30° to 40°.

### 2.3.5 PROBLEM

Location: Cross hatch road markings at Gyratory

Summary: Risk of loss of control involving two-wheeled vehicles.

Large amounts of cross hatch road markings (Diagram 1040.4) are proposed at various locations at the gyratory, such as the western section of the circulatory carriageway, the southbound segregated lane to the A272 and the northbound segregated lane to the A33 Link Road. These areas are likely to accumulate large amounts of gravel and debris over time, which could present a loss of control hazard to two-wheeled vehicles if they veer into this area.

#### RECOMMENDATION

The layouts should be amended to remove the need for nearside cross hatching. (Note: The swept path analysis indicates that these areas are not needed to accommodate HGV manoeuvres).

### 2.3.6 PROBLEM

Location: Proposed A33 Roundabout

Summary: Risk of loss of control if vehicles lose control where “dead” carriageway space is created.

A large amount cross hatch road marking (Diagram 1040.4) is proposed along the western side of the roundabout circulatory carriageway. This will create an expansive “dead” area of carriageway space which is likely to accumulate a large amount of loose gravel and other debris, which could present a loss of control hazard to two-wheeled vehicles if they veer into this area.

#### RECOMMENDATION

The roundabout should be designed without the requirement for large expanses of cross hatch road marking within the circulatory carriageway.

## 2.4 Lighting

### 2.4.1 PROBLEM

Location: Proposed M3 and A34 Northbound Underpasses

Summary: Risk of collisions if lighting within underpasses does not allow road users to visually adapt quickly to changing conditions.

The underpasses will be quite long and so driver's eyesight may not adjust quickly when entering and leaving the underpasses if they are not suitably illuminated. In particular, at the M3 underpass, road users will be approaching a decision point immediately upon leaving the underpass where the diverge to the Gyratory / A272 link road occurs. This could result in loss of control, side swipe and shunt type collisions if road users swerve or brake suddenly.

#### RECOMMENDATION

The underpasses should be suitably illuminated to ensure road users can visually adapt quickly when entering, travelling through and exiting the underpasses in both daylight and night-time conditions.

### 2.4.2 PROBLEM

Location: Proposed A33 and Highways England Depot Roundabouts

Summary: Risk of overshoot and loss of control type collisions at night.

It is not known if street lighting will be provided at the roundabouts, but if not, road users could find it difficult to acknowledge the position and layout of the junctions at night. This could lead to overshoot and loss of control type collisions at the entries if road users fail to slow down on the approaches.

#### RECOMMENDATION

Street lighting should be provided at the roundabouts and for a suitable distance on the approaches.

### 2.4.3 PROBLEM

Location: Proposed Toucan Crossings on A33 Link Road

Summary: Risk of pedestrians and cyclists being struck by vehicles if toucan crossings are in darkness.

It is not known whether this section of the A33 Link Road will have street lighting, but if not, the toucan crossings will be in darkness. This could increase the risk of pedestrians and cyclists being struck by vehicles if they attempt to cross during the red man phase, or if vehicles overshoot the stop line and fail to see vulnerable road users in the carriageway.

#### RECOMMENDATION

The toucan crossings should be suitably illuminated at night by a system of street lighting or flood lights.

## **2.5 Signs and Road Markings**

### **2.5.1 PROBLEM**

Location: Proposed M3 Underpass

Summary: Risk of loss of control and shunt collisions if road users make decision at diverge point too late.

Road users will reach a decision point immediately upon leaving the underpass where the diverge to the Gyratory / A272 link road occurs. An advance direction sign (ref. Stantec\_ 0022) is provided in advance of the underpass, but none are provided for road users leaving the underpass. This could result in loss of control and shunt collisions if road users swerve or brake suddenly. It should also be noted that there are departures and relaxations to standard in this area in relation to curvature and SSD, which is likely to compound the safety problems.

#### **RECOMMENDATION**

Additional direction signs (such as overhead signs within the underpass) should be provided to improve information provided to road users. At the diverge, the M3 Motorway and A272 route confirmatory signs (ref. Stantec\_0002 and 0043) should be provided closer to the diverge point.

### **2.5.2 PROBLEM**

Location: A34 Southbound; diverge to Gyratory /A272 Link Road

Summary: Risk of collisions if Non-motorway traffic enters M3 motorway or tries to reverse at a hazardous location.

Non-motorway traffic may fail to leave the A34 at the diverge for the Gyratory/ A272 Link Road as a confirmatory sign has not been provided at the diverge point (this information is only provided on the Advance Direction Sign before the M3 underpass). This could result in collisions if non-motorway traffic continues on to the M3 motorway or tries to reverse at the diverge, which would be very dangerous for all road users.

#### **RECOMMENDATION**

A confirmatory “Non motorway traffic” sign should be provided at the diverge point.

## **2.6 Walking and Cycling Routes**

### **2.6.1 PROBLEM**

Location: Proposed walking and cycling route, near proposed A34 northbound subway

Summary: Risk of injury to pedestrians and cyclists if they fall down a high and steep embankment slope.

A high and potentially steep embankment slope will run along the northern side of the walking and cycling route, quite close to its edge. If cyclists lose control here or pedestrians walk too close to the edge, they could be injured if they fall down the slope.

#### **RECOMMENDATION**

A suitable restraint system should be provided to protect the embankment slope.

### **2.6.2 PROBLEM**

Location: Highways England Depot Roundabout

Summary: Risk of injury to pedestrians and cyclists as they cross to reach the depot.

A crossing point for pedestrians and cyclists does not appear to be provided to allow users to cross the roundabout to reach the Highways England Depot. Pedestrians and cyclists could be vulnerable to being hit by vehicles in the absence of a crossing point, or they could trip and fall trying to negotiate full height kerbs.

#### **RECOMMENDATION**

A suitable crossing point should be provided for pedestrians and cyclists to allow them to cross to the depot.



### 2.6.3 PROBLEM

Location: Easton Lane; walking and cycling routes

Summary: Risk of injury to pedestrians and cyclists due to absence of a suitable paths along a potential natural desire line.

There could be a pedestrian and cycle desire line to travel along the northern side of Easton Lane (alongside the Homebase boundary) and connect to the proposed walking and cycling route along the A33 Link Road. The absence of a route on the northern side of Easton Lane could lead to injury if pedestrians and cyclists travel in the carriageway or along an uneven, narrow and slippery verge.

#### RECOMMENDATION

A walking and cycling route should be provided along the northern side of Easton Lane, connecting into the proposed route along the A33 Link Road.

### 2.6.4 PROBLEM

Location: A33 Link Road; uncontrolled pedestrian crossing point near northern tie-in

Summary: Risk of pedestrians being struck by vehicles as they cross wide carriageway.

Pedestrians could be vulnerable crossing the wide carriageway, where speeds could be high. In particular, if pedestrians wait on the cross hatch road markings, they would have a false sense of security and could be struck by vehicles that veer into this area.

#### RECOMMENDATION

The crossing point should be made safer by incorporating build-outs into the hatched areas to reduce the crossing distance. (See also Problem 2.2.1).

## 2.6.5 PROBLEM

General: Walking and cycling routes

Summary: Risk of collisions if vulnerable road users travel within the carriageway of the A34 and A31.

The scheme provides long distance walking and cycling routes, but users unfamiliar with area (such as those following the National Cycle Network) may get lost and then attempt to cycle within the busy carriageways of the A34 and A31. They would be at high risk of being hit by vehicles travelling at speed along these roads.

### RECOMMENDATION

Comprehensive wayfinding directional signing should be provided throughout the scheme for pedestrians and cyclists.

## 2.6.6 PROBLEM

General: Walking and cycling routes

Summary: Risk of injury if unsegregated cycle facilities are provided.

Throughout the scheme, it appears that unsegregated shared use footway/cycleway facilities are provided. This type of design is no longer favoured in “LTN 1/20 Cycle Infrastructure Design” as it does not meet the core design principles for safe and efficient use by cyclists. The core principles are that cycle infrastructure should be Coherent, Direct, Safe, Comfortable and Attractive. If unsegregated facilities are provided, conflicts could occur between pedestrians and cyclists, especially if cyclists are travelling at speed on the long uninterrupted sections that are proposed.

### RECOMMENDATION

It is recommended that the cycle facilities are designed as being separated from footways by providing cycle tracks with kerbed or stepped segregation. This would make the facilities safer and more attractive for use by cyclists and reduce potential conflicts with pedestrians.

### 3. **Audit Team Statement**

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

#### **Audit Team Leader**

Harminder Aulak - BSc (Hons), IEng, FIHE, RegRSA (IHE)  
Highways England Approved RSA Certificate of Competency  
Technical Director – Engineering Services, TMS Consultancy

Signed



Date 9<sup>th</sup> March 2021

#### **Audit Team Member**

Lee Williams – BSc (Hons), MIHE  
Highways England Approved RSA Certificate of Competency  
Principal Engineer, TMS Consultancy

Signed



Date 9<sup>th</sup> March 2021

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# Appendix A

## Documents Examined:

Series 0000				
A2	Existing Speed Limit Arrangements	HGN-X_XXXX_XX-SK-CH-0001		P01
A2	Proposed Speed Limit Arrangements	HGN-X_XXXX_XX-SK-CH-0002		P01
A1	Highway General Arrangement (Sheet 1 of 5)	HGN-X_XXXX_XX-DR-CH-0021		P01
A1	Highway General Arrangement (Sheet 2 of 5)	HGN-X_XXXX_XX-DR-CH-0022		P01
A1	Highway General Arrangement (Sheet 3 of 5)	HGN-X_XXXX_XX-DR-CH-0023		P01
A1	Highway General Arrangement (Sheet 4 of 5)	HGN-X_XXXX_XX-DR-CH-0024		P01
A1	Highway General Arrangement (Sheet 5 of 5)	HGN-X_XXXX_XX-DR-CH-0025		P01
A1	Typical Carriageway Cross Sections (Sheet 1 of 2)	HML-X_XXXX_XX-DE-CH-0001	P01	P02
A1	Typical Carriageway Cross Sections (Sheet 2 of 2)	HML-X_XXXX_XX-DE-CH-0002	P01	P02
A0	Proposed Carriageway Cross Section Clarifications	HML-X_XXXX_XX-DR-CH-0001		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 1 of 7)	HGN-E_RNBT_01-DR-CH-0011		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 2 of 7)	HGN-E_RNBT_01-DR-CH-0012		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 3 of 7)	HGN-E_RNBT_01-DR-CH-0013		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 4 of 7)	HGN-E_RNBT_01-DR-CH-0014		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 5 of 7)	HGN-E_RNBT_01-DR-CH-0015		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 6 of 7)	HGN-E_RNBT_01-DR-CH-0016		P01
A1	E_RNBT_01 Swept path Analysis, Articulated Vehicle (Sheet 7 of 7)	HGN-E_RNBT_01-DR-CH-0017		P01
A2	W_A33X_S1 Swept Path Analysis, Refuse Vehicle	HGN-W_A33X_S1-DR-CH-0011		P01
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 1 of 4)	HGN-W_RNBT_02-DR-CH-0011		P01
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 2 of 4)	HGN-W_RNBT_02-DR-CH-0012		P01
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 3 of 4)	HGN-W_RNBT_02-DR-CH-0013		P01
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 4 of 4)	HGN-W_RNBT_02-DR-CH-0014		P01
A2	W_RNBT_03 Swept Path Analysis, Articulated Vehicle (Sheet 1 of 3)	HGN-W_RNBT_03-DR-CH-0011		P01
A2	W_RNBT_03 Swept Path Analysis, Articulated Vehicle (Sheet 2 of 3)	HGN-W_RNBT_03-DR-CH-0012		P01
A2	W_RNBT_03 Swept Path Analysis, Articulated Vehicle (Sheet 3 of 3)	HGN-W_RNBT_03-DR-CH-0013		P01
A0	Proposed Carriageway Longsection Clarifications	HML-X_XXXX_XX-DR-CH-0060		P01
A1	Longsection View on Alignment W_A33X_S1	HML-W_A33X_S1-DR-CH-0061		P01
A1	Longsection View on Alignment W_A33X_S2	HML-W_A33X_S2-DR-CH-0061		P01
A2	Longsection View on Alignment W_A33X_S3	HML-W_A33X_S3-DR-CH-0061		P01
A2	Longsection View on Alignment W_A34N_MR	HML-W_A34N_MR-DR-CH-0061		P01
A1	Longsection View on Alignment W_A34N_XX	HML-W_A34N_XX-DR-CH-0061		P01
A1	Longsection View on Alignment X_A34S_DV - Western Side	HML-W_A34S_XX-DR-CH-0061		P01
A2	Longsection View on Alignment W_ESTN_XX	HML-W_ESTN_XX-DR-CH-0061		P01
A2	Longsection View on Alignment W_M3NB_DV	HML-W_M3NB_DV-DR-CH-0061		P01
A1	Longsection View on Alignment W_M3NB_MR	HML-W_M3NB_MR-DR-CH-0061		P01
A1	Longsection View on Alignment W_M3NB_XX (Sheet 1 of 2)	HML-W_M3NB_XX-DR-CH-0061		P01
A1	Longsection View on Alignment W_M3NB_XX (Sheet 2 of 2)	HML-W_M3NB_XX-DR-CH-0062		P01
A1	Longsection View on Alignment W_NMUX_01	HML-W_NMU_01-DR-CH-0061		P01
A2	Longsection View on Alignment W_NMUX_01	HML-W_NMU_01-DR-CH-0062		P01
A1	Longsection View on Alignment E_A34S_DV	HML-E_A34S_DV-DR-CH-0061		P01
A1	Longsection View on Alignment X_A34S_DV - Eastern Side	HML-E_A34S_XX-DR-CH-0061		P01
A1	Longsection View on A272 Alignments	HML-E_A272_XX-DR-CH-0061		P01
A1	Longsection View on Alignment E_M3SB_DV	HML-E_M3SB_DV-DR-CH-0061		P01
A1	Longsection View on Alignment E_M3SB_MR	HML-E_M3SB_MR-DR-CH-0061		P01
A1	Longsection View on Alignment E_M3SB_XX (Sheet 1 of 2)	HML-E_M3SB_XX-DR-CH-0061		P01
A1	Longsection View on Alignment E_M3SB_XX (Sheet 2 of 2)	HML-E_M3SB_XX-DR-CH-0062		P01
A1	Longsection View on Alignment E_NMUX_23	HML-E_NMUX_23-DR-CH-0061		P01
A1	Longsection View on Alignment E_RNBT_01	HML-E_RNBT_01-DR-CH-0061		P01
A1	Departures and Relaxations From Standards (Sheet 1 of 5)	HAC-X_XXXX_XX-DR-CH-0001		P01
A1	Departures and Relaxations From Standards (Sheet 2 of 5)	HAC-X_XXXX_XX-DR-CH-0002		P01
A1	Departures and Relaxations From Standards (Sheet 3 of 5)	HAC-X_XXXX_XX-DR-CH-0003		P01
A1	Departures and Relaxations From Standards (Sheet 4 of 5)	HAC-X_XXXX_XX-DR-CH-0004		P01
A1	Departures and Relaxations From Standards (Sheet 5 of 5)	HAC-X_XXXX_XX-DR-CH-0005		P01



Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire

safer roads for everyone

<b>Series 0300 - Fencing</b>			
A1	Proposed Fencing Plan (Sheet 1 of 5)	HFE-X_XXXX_XX-DR-CH-0301	P01
A1	Proposed Fencing Plan (Sheet 2 of 5)	HFE-X_XXXX_XX-DR-CH-0302	P01
A1	Proposed Fencing Plan (Sheet 3 of 5)	HFE-X_XXXX_XX-DR-CH-0303	P01
A1	Proposed Fencing Plan (Sheet 4 of 5)	HFE-X_XXXX_XX-DR-CH-0304	P01
A1	Proposed Fencing Plan (Sheet 5 of 5)	HFE-X_XXXX_XX-DR-CH-0305	P01
<b>Series 0400 - VRS</b>			
A1	Proposed Vehicle Restraint Systems (Sheet 1 of 5)	HRR-X_XXXX_XX-DR-CH-0401	P01
A1	Proposed Vehicle Restraint Systems (Sheet 2 of 5)	HRR-X_XXXX_XX-DR-CH-0402	P01
A1	Proposed Vehicle Restraint Systems (Sheet 3 of 5)	HRR-X_XXXX_XX-DR-CH-0403	P01
A1	Proposed Vehicle Restraint Systems (Sheet 4 of 5)	HRR-X_XXXX_XX-DR-CH-0404	P01
A1	Proposed Vehicle Restraint Systems (Sheet 5 of 5)	HRR-X_XXXX_XX-DR-CH-0405	P01
<b>Series 1000 - NMU Routes</b>			
A1	Existing and Proposed Walking, Cycling, and Horse-Riding Routes Arrangement	HGN-X_XXXX_XX-DR-CH-1001	P01
<b>Series 1200 - Signage and Road Markings</b>			
A1	Proposed Signage Scheme Sitewide Layout (Sheet 1 of 7)	HSN-X_XXXX_XX-DR-CH-1201	P01
A1	Proposed Signage Scheme Sitewide Layout (Sheet 2 of 7)	HSN-X_XXXX_XX-DR-CH-1202	P01
A1	Proposed Signage Scheme Sitewide Layout (Sheet 3 of 7)	HSN-X_XXXX_XX-DR-CH-1203	P01
A1	Proposed Signage Scheme Sitewide Layout (Sheet 4 of 7)	HSN-X_XXXX_XX-DR-CH-1204	P01
A1	Proposed Signage Scheme Sitewide Layout (Sheet 5 of 7)	HSN-X_XXXX_XX-DR-CH-1205	P01
A1	Proposed Signage Scheme Sitewide Layout (Sheet 6 of 7)	HSN-X_XXXX_XX-DR-CH-1206	P01
A1	Proposed Signage Scheme Sitewide Layout (Sheet 7 of 7)	HSN-X_XXXX_XX-DR-CH-1207	P01
A1	Proposed Signage Scheme, Proposed Sign Faces (Sheet 1 of 2)	HSN-X_XXXX_XX-DR-CH-1231	P01
A1	Proposed Signage Scheme, Proposed Sign Faces (Sheet 2 of 2)	HSN-X_XXXX_XX-DR-CH-1232	P01
A2	Proposed Gantry Signage Scheme, Proposed Sign Faces	HSN-X_XXXX_XX-DR-CH-1241	P01
A1	Proposed Signage Scheme, Existing Sign Faces To Remain Be Relocated	HSN-X_XXXX_XX-DR-CH-1251	P01
A1	Proposed Road Markings (Sheet 1 of 5)	HMK-X_XXXX_XX-DR-CH-1251	P01
A1	Proposed Road Markings (Sheet 2 of 5)	HMK-X_XXXX_XX-DR-CH-1252	P01
A1	Proposed Road Markings (Sheet 3 of 5)	HMK-X_XXXX_XX-DR-CH-1253	P01
A1	Proposed Road Markings (Sheet 4 of 5)	HMK-X_XXXX_XX-DR-CH-1254	P01
A1	Proposed Road Markings (Sheet 5 of 5)	HMK-X_XXXX_XX-DR-CH-1255	P01

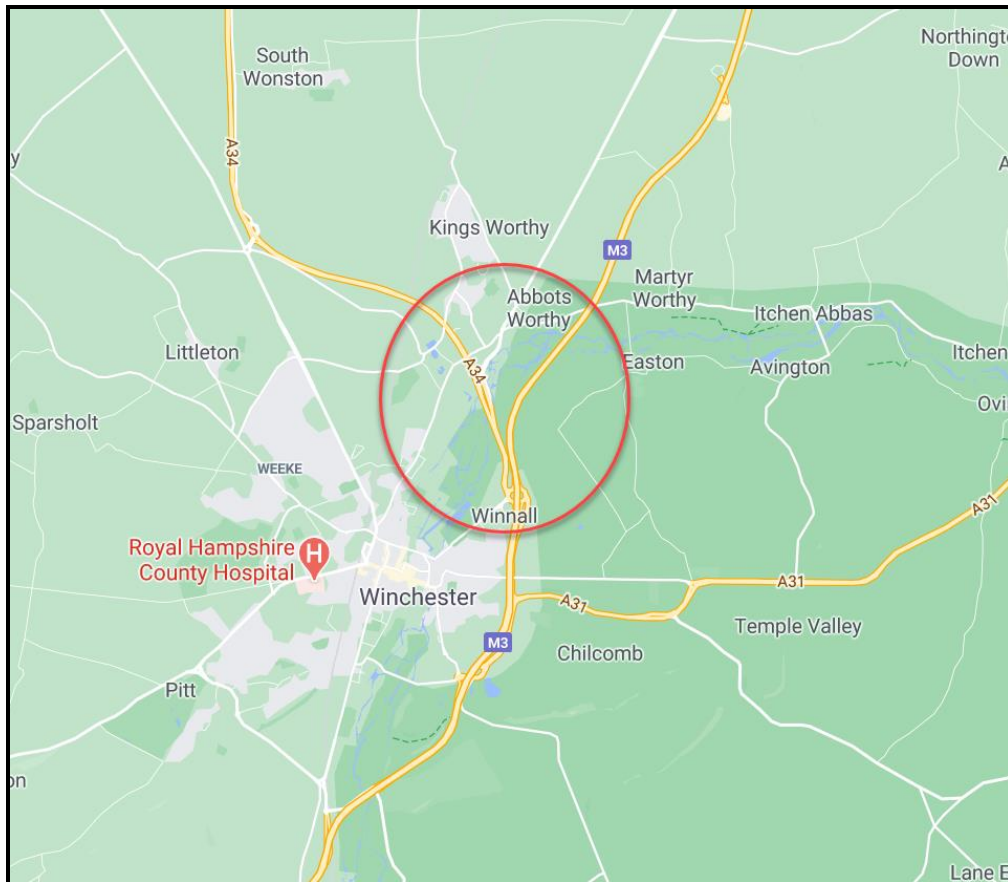
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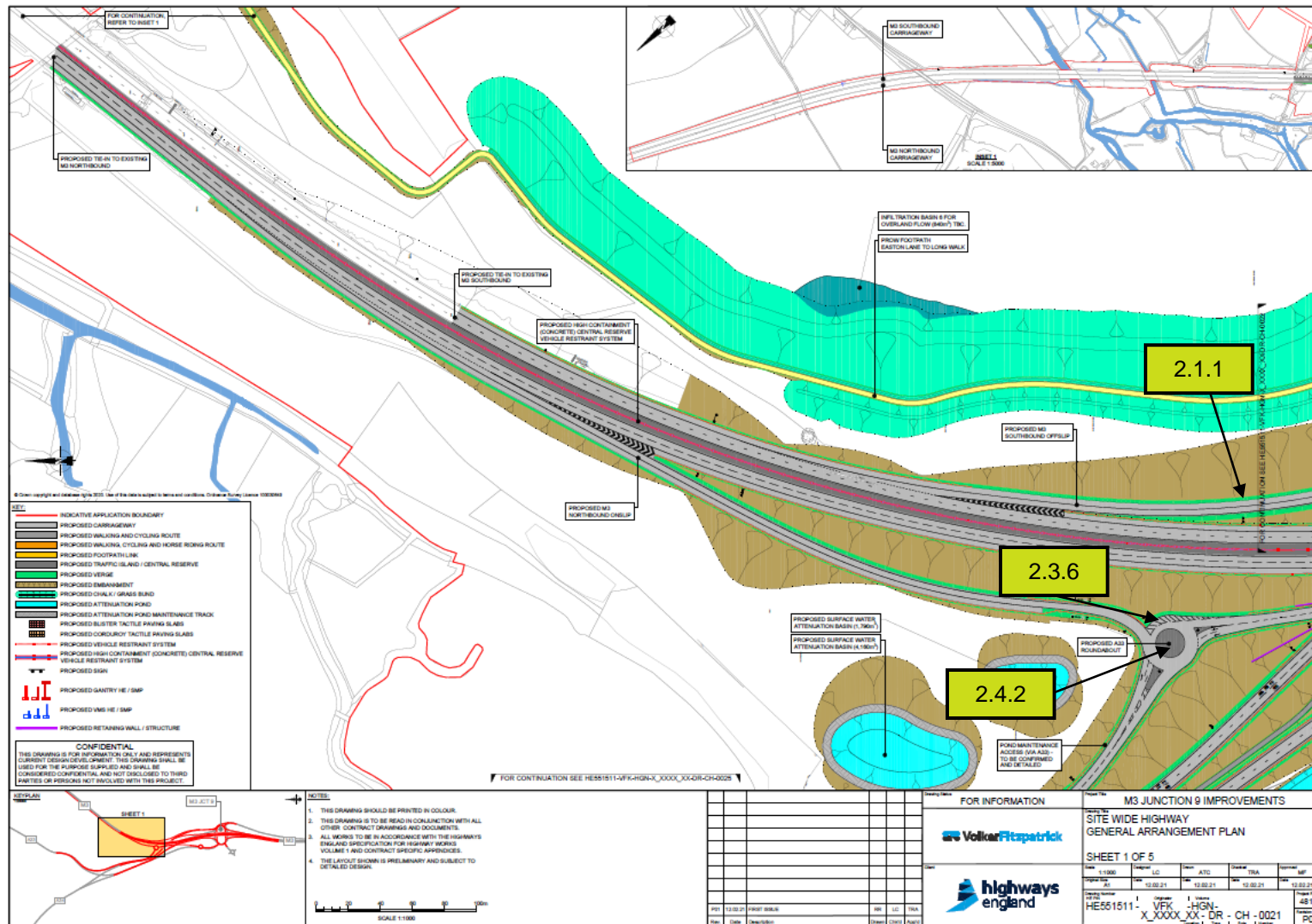
- 📁 Appendix A - Drawings Issue Sheet
- 📁 Appendix B - Environmental Constraints Plan
- 📁 Appendix C - Departures from standards check list
- 📁 Appendix D - Existing Speed Limits
- 📁 Appendix E - Proposed Speed Limits
- 📁 Appendix F - Forecast Future traffic Flows
- 📁 Appendix G - Footway strategy technical notes
- 📁 Appendix H - Public Right of way maps
- 📁 Appendix I - Accident data
- 📁 Appendix J - Stage 3A S1RSA & designers response
- 📁 Appendix K - WCHA
- 📁 Drawings issued 24.02.21
- 📁 S1RSA drawing submission
- 📄 HE551511-VFK-HGN-X\_XXXX\_X-RP-CH-0001 Audit Brief

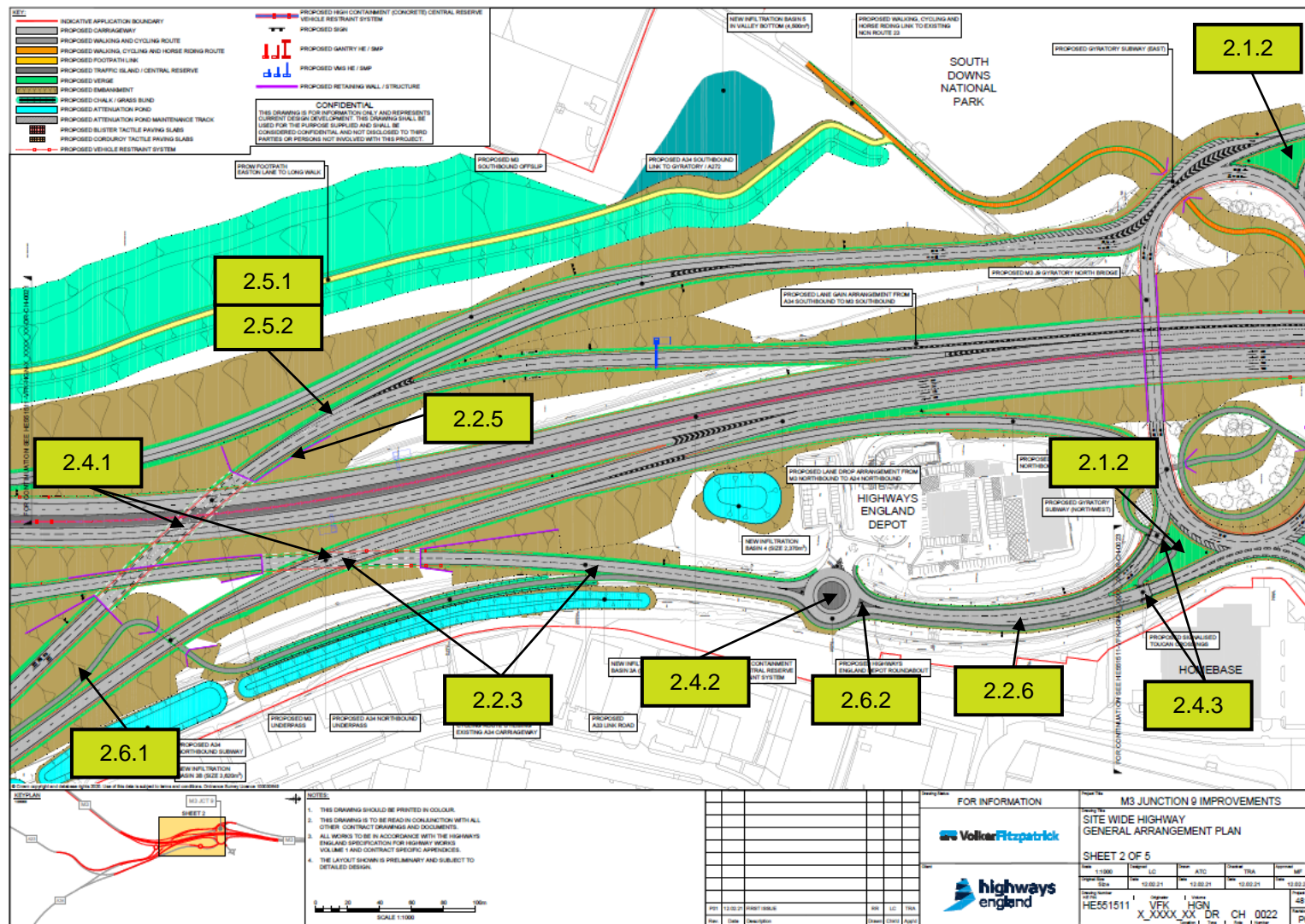
## Appendix B

Please refer to the following pages for plans illustrating the locations of the problems identified as part of this audit (location numbers refer to paragraph numbers in the report).

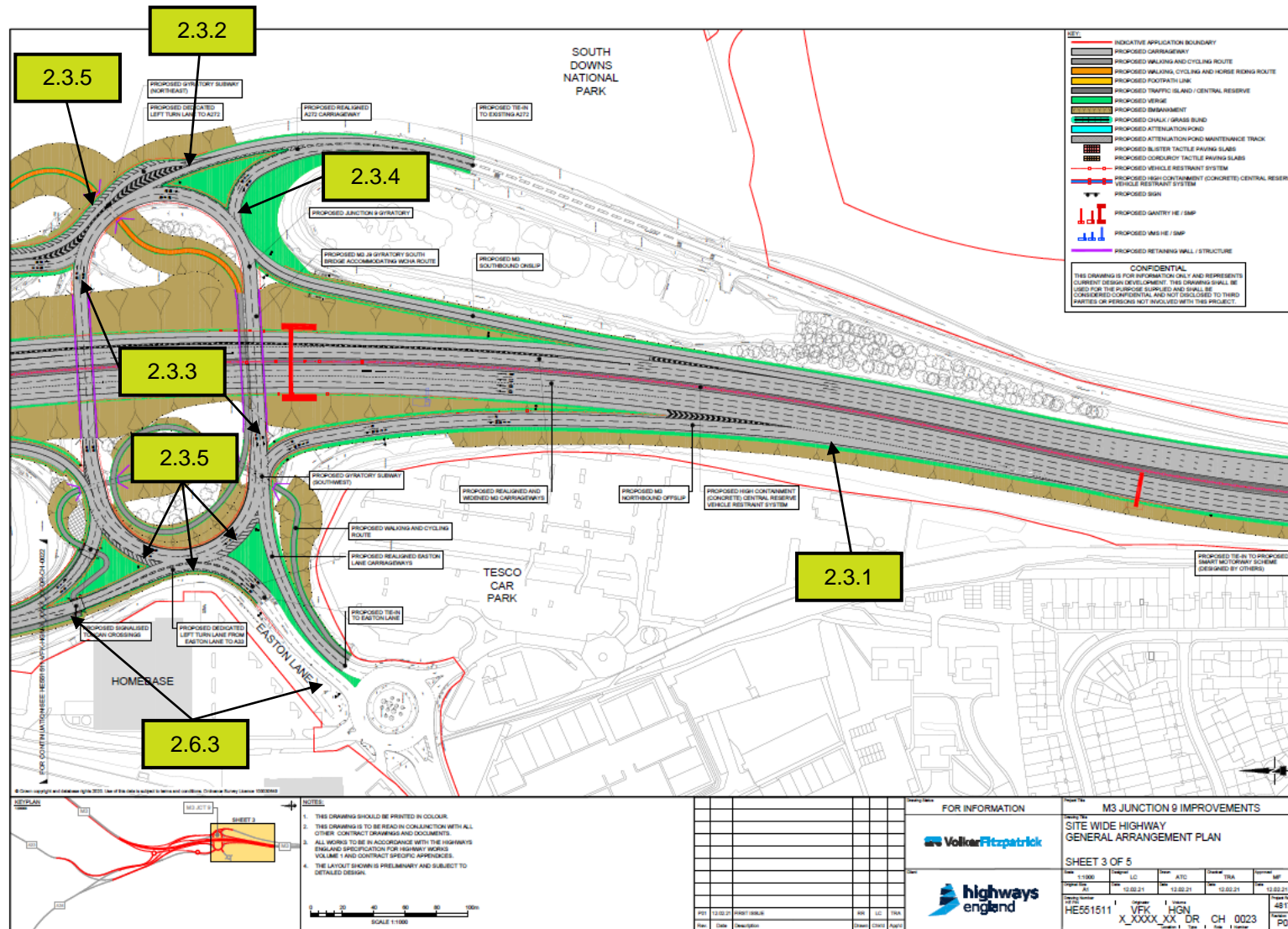
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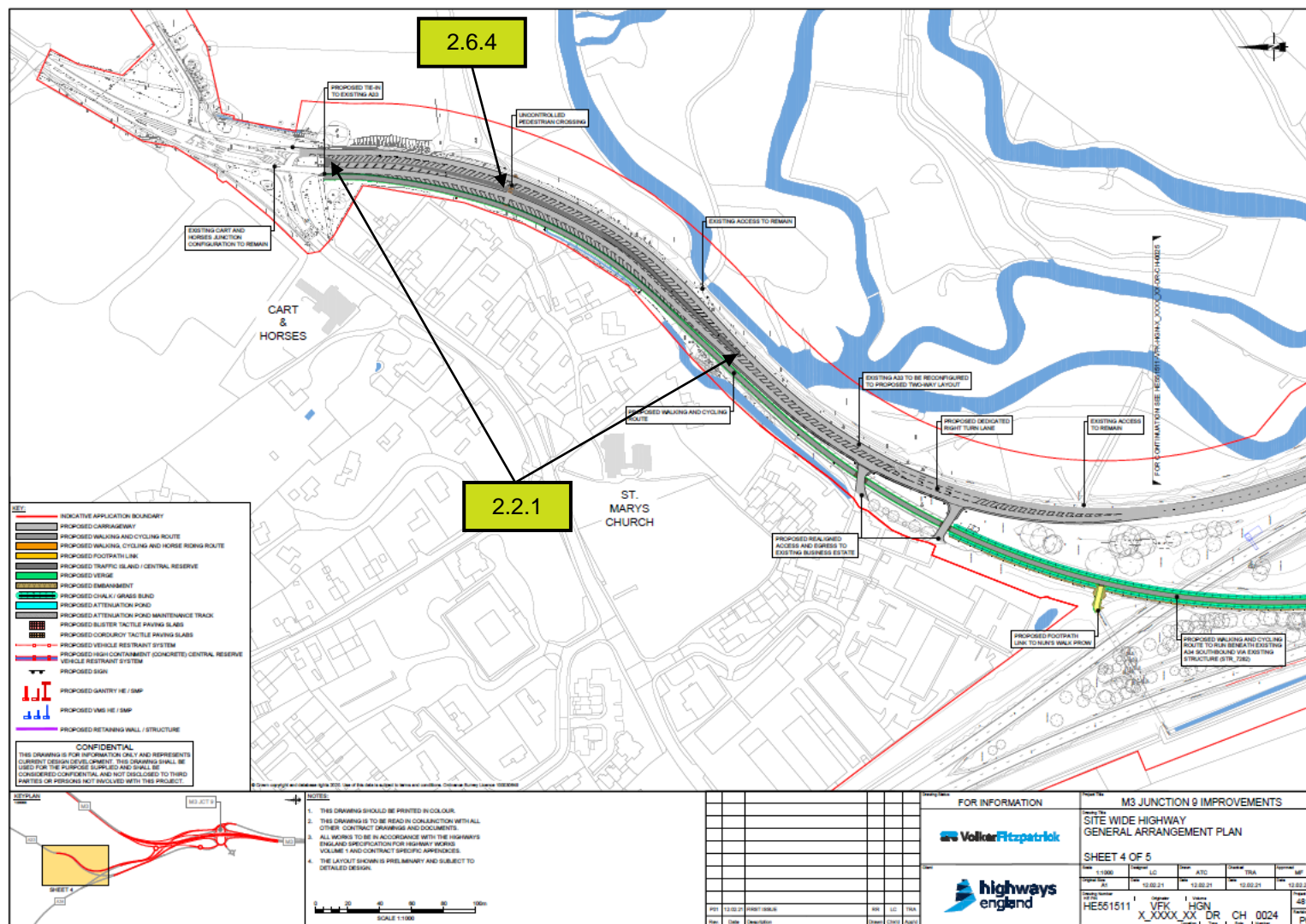


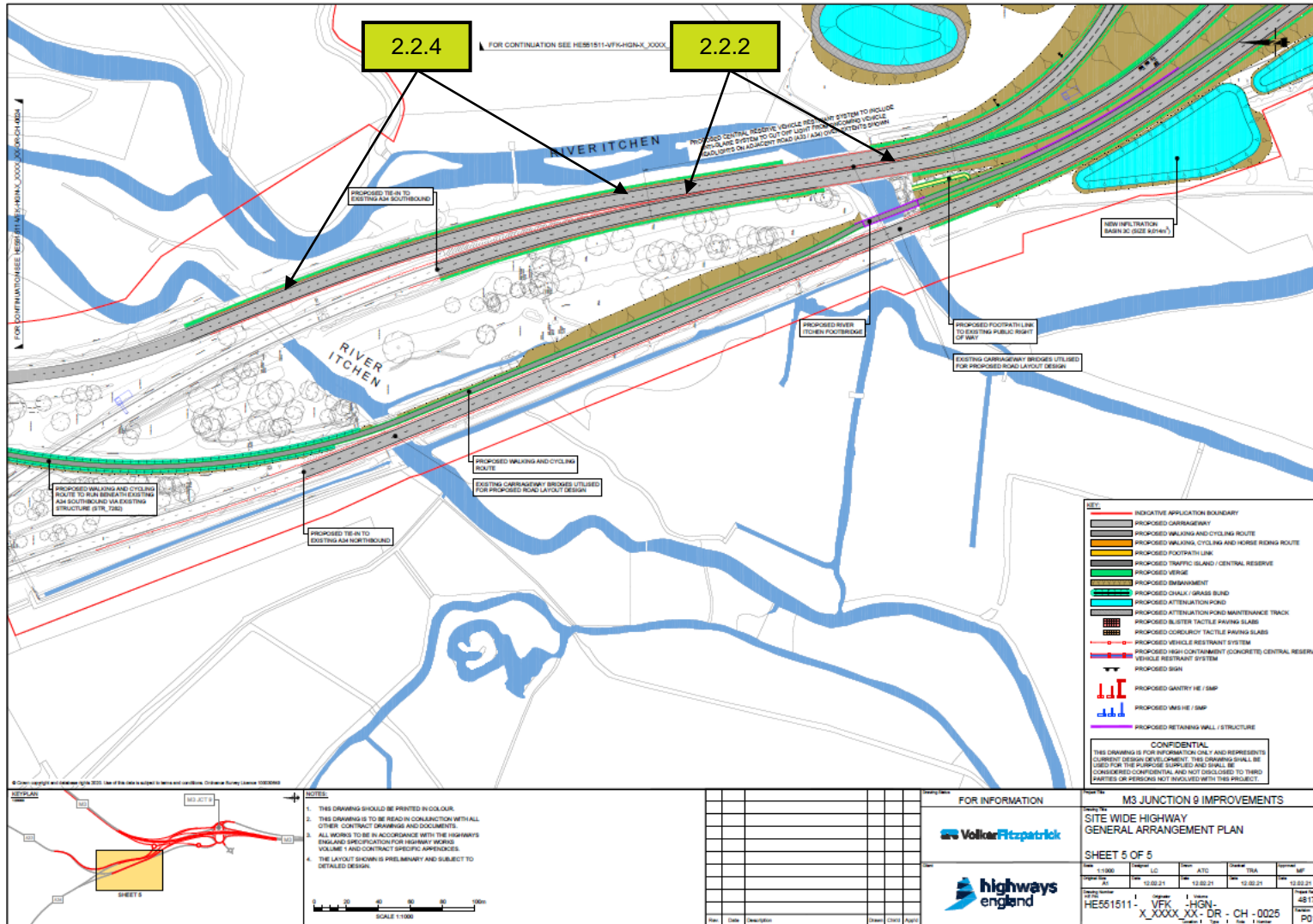












# Regional Investment Programme

## M3 Junction 9 Improvements

### PCF Stage 3b – Stage 1 Road Safety Audit Designers Response

June 2021

Revision: P04

HE551511-VFK-HGN-X\_XXXX\_XX-RP-CH-0004

## Notice

This document and its contents have been prepared and are intended solely for Highway England's information and use in relation to the M3 Junction 9 Improvements PCF Stage 3, one of the schemes of the Regional Investment Programme. Stantec UK Ltd assumes no responsibility to any other party in respect of or arising out of or in connection with this document and/or its contents.

## Document Control

The Project Manager is responsible for production of this document, based on the contributions made by his/her team existing at each Stage.

Document Title	M3 J9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Designers Response
Author	Douglas Whittaker
Owner	Tim Allen
Distribution	Highways England Consultees, Volker Fitzpatrick, Stantec UK Ltd Team
Document Status	For Comment and Review (S3)

## Revision History

This document is updated at least every stage.

Version	Date	Description	Author
P01	23.06.21	For Review and Comment (S3)	Douglas Whittaker
P02	26.10.21	NH comments added	Douglas Whittaker
P03	29.11.21	Designers' response revised following the re-introduction of the Kingsworthy footway/cycling route. Items 2.2.4, 2.3.4, 2.4.2, 2.6.2, 2.6.3 & 2.6.6 amended accordingly	Tim Allen
P04	02.03.22	NH comments added with alterations to Appendix A 2.2.1 & 2.6.6	Lee Cuddington

## Reviewer List

Name	Role
Tim Allen	Highways Coordinator, Stantec
Malcolm Fillingham	Package Design Manager, Stantec
Tony Wake	Package Design Director, Stantec
Bryn Kemp	Road Safety Specialist, Stantec
Stephen Pettifer	Design Manager, Volker Fitzpatrick
Anne-Marie Palmer	Project Manager, Highways England

## Approvals

The Project SRO is accountable for the content of this document

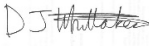

Name	Signature	Title	Date of Issue	Version
Alan Feist		Highways England Project SRO		

## M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Designers Response

### Project details

<b>Report title:</b> M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Designers Response
<b>Date:</b> 23 <sup>rd</sup> June 2021
<b>Document reference and revision:</b> HE551511-VFK-HGN-X_XXXX_XX-RP-CH-0004-P03
<b>Prepared by:</b> Stantec UK Ltd
<b>On behalf of:</b> Highways England

### Authorisation sheet

<b>Project:</b> M3 Junction 9 Improvements
<b>Report title:</b> M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Designers Response
<b>Prepared by:</b>
Name: Douglas Whittaker
Position: Engineer
Signed: 
Organisation: Stantec UK Ltd
Date: 23.06.21
<b>Approved by:</b>
Name: Tim Allen
Position: Associate
Signed: 
Organisation: Stantec UK Ltd
Date: 23.06.21

### Introduction

The scheme is located in South East England within the county of Hampshire. The existing M3 Junction 9 is a grade separated, partially signalised gyratory roundabout connecting multiple nationally and locally significant routes; key strategic interchange which connects South Hampshire and the ports of Southampton and Portsmouth with the wider sub region. It also connects the region to London, the north-west via the M3, the Midlands and the North via the A34. To the north of the junction, circa 1 km is the A33 from Basingstoke which connects to the A34 and approximately 1 km to the south of the junction the A31 from Alton links up with the A272 which joins the M3. The scheme consists of the following design elements:

- Construction of two free-flow links between A34 – M3 south bound and M3 to A34 North bound.
- Construct overbridge above A33 to link M3 to A34 Northbound
- Replacement of existing gyratory over the junction to accommodate the revised traffic flows which incorporates new bridge connections over the M3 with cycling, walking and horse-riding facilities provided on the southern section.
- Local accessibility and connectivity improvements on local roads
- Place 4 additional lanes through the junction
- 4 improved slip roads to Junction 9
- 1 new underpass under the M3 for A34 southbound.
- New footbridge over the River Itchen to accommodate the new pedestrian route
- 3 New subways to link the pedestrian routes New free flow grade separated links which ease traffic between the M3 to and from Southampton and the A34 to and from Basingstoke and Newbury.
- Widening of the M3 between the south facing roundabout slip roads and new free flow links from a two-lane motorway with a hard shoulder to a four-lane motorway with hardstrips.
- New walking, cycling and horse-riding routes through the junction proving a grade separated route between the South Downs National Park (SDNP), Winnall and Abbots Worthy.

This designer's response to the Stage 1 Road Safety Audit has been prepared by Lee Cuddington (Principal Engineer), Alan Champion (Principal Engineer) at Stantec UK Ltd who has led the preliminary design of the scheme. This document forms part of the Highways England PCF Road Safety Audit product requirement.

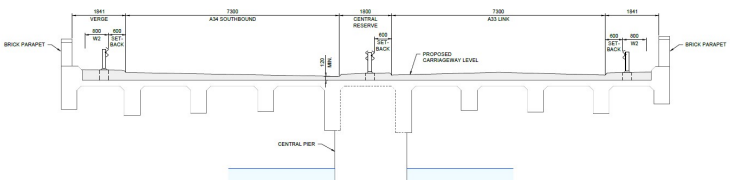
### Key personnel

<b>Overseeing Organisation:</b> Highways England
<b>RSA team:</b> TMS Consultancy (Audit Team Leader: Harminder Aulak – BSc (Hons), IEng, FIHE, RegRSA (IHE), Highways England Approved RSA Certificate of Competency – Technical Director – Engineering Services, TMS Consultancy. Audit Team Member: Lee Williams - BSc (Hons), MIHE, Highways England Approved RSA Certificate of Competency – Principal Engineer, TMS Consultancy
<b>Design organisation:</b> Stantec UK Ltd

**Road safety audit decision log**

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
2.1.1	<p><b>Location:</b> Proposed M3 southbound off-slip</p> <p><b>Summary:</b> Risk of injury of errant vehicles strike a steep sided cutting.</p> <p>There is a high cutting slope along the nearside of the slip-road which could have a steep slide slope. If so, it could be a hazard to the occupants of errant vehicles if it is struck at speed and vehicles are rebounded violently. This could result in a serious injury.</p>	<p>The cutting slope should be risk assessed in accordance with CD 377 to determine if a vehicle restraint system is required to protect the slope, or whether the side slope should be adjusted to reduce its gradient (i.e. made less steep than 1:1).</p>	<p><b>Recommendation: Accepted</b></p> <p>Currently the slope is shown at 1 in 3 gradients therefore, this is considered to meet the recommendation already</p>	<p>Design Organization's response is accepted and agreed.</p>	<p>In line with the RSA recommendation.</p>
2.1.2	<p><b>Location:</b> M3 Junction 9 Gyratory</p> <p><b>Summary:</b> Risk of injury if vehicles collide into superfluous VRS.</p> <p>Vehicle Restraint Systems (VRS) are proposed around the splitter islands on the A272 and A33 Link Road arms. The purpose of the VRS at these locations is not clear and the barrier itself could present a hazard to road users if struck at a high angle or if collisions into the leading terminals occur. The riders of two-wheeled vehicles can be particularly vulnerable during collisions involving VRS.</p>	<p>The VRS should be omitted at the splitter islands if there are no hazards to protect.</p>	<p><b>Recommendation: Accepted</b></p> <p>Currently the VRS is shown from an engineering judgement and the full RRAP will be carried out during Stage 5 detail design. We will amend the VRS at the splitter islands as per the recommendation and use passive safe signs and pedestrian railings where required.</p>	<p>Design Organization's response is accepted and agreed.</p>	<p>In line with the RSA recommendation.</p>
2.2.1	<p><b>Location:</b> A33 Link Road, between tie-in to existing road and business estate junctions.</p> <p><b>Summary:</b> Risk of collisions associated with high speed, such as loss of control and hazardous overtaking</p> <p>The road is designed as "single lane dualling" with a central reservation and large amounts of cross hatch road markings. This type of layout indicates a high-speed road, through the speed limit will be 40mph. Therefore, compliance with the speed limit is likely to be low and higher actual speeds could increase the risk of collisions,</p>	<p>The road should be redesigned as a two-lane single carriageway without a central reservation or large expanses of cross hatching. This would give a better impression of a lower speed road.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>At this location the proposed highway geometric alignment is tying into the existing alignment (existing central reservation). Whilst it is accepted that there is a large amount of road marking hatching, this provides provision for vehicles to 'pass' broken down vehicles. Amending the alignment to remove the existing central reservation would necessitate a significant amount of additional works and necessitate the need to reconfigure the Kings Worthy Junction.</p>	<p>Design Organization's response is accepted and agreed.</p>	<p>The designers response is noted at this stage and will be further reviewed and developed during the detailed design Stage 5.</p>

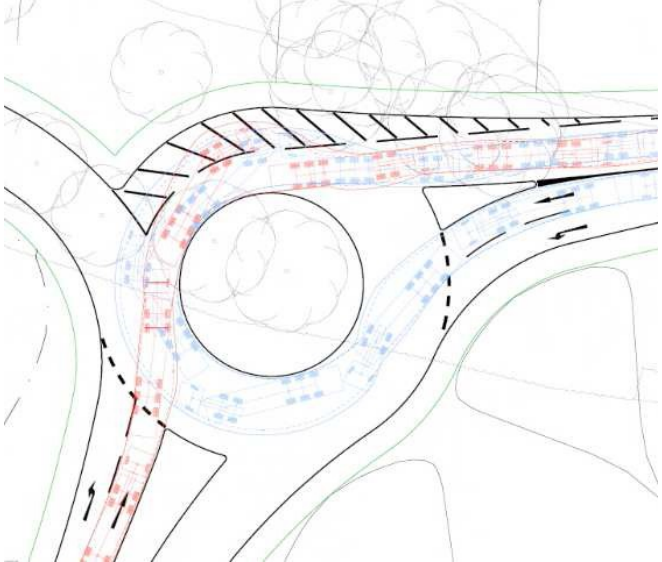


RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	such as loss of control and those involving hazardous overtaking.				
2.2.2	<p><b>Location:</b> Proposed A34 southbound and A33 Link Road</p> <p><b>Summary:</b> Risk of injury if verge is too narrow to accommodate VRS and anti-glare screen.</p> <p>Where the two roads will run parallel to each other, the separator verge appears narrow and there may not be sufficient width to accommodate the vehicle restraint system (VRS), taking into account its working width, and the anti-glare screen. Therefore, road users could be injured if the VRS fails to prevent incursions into the opposite carriageway, or if the VRS is unable to deform as intended due to the presence of the anti-glare screen.</p>	It should be ensured that the verge separating the two carriageways is sufficiently wide to accommodate the VRS and the anti-glare screen.	<p><b>Recommendation: Accepted</b></p> <p>The proposed design currently outlines significant width to accommodate the VRS and the anti-glare screen installation with adequate working widths based on the cross section illustrated. It should be noted that this cross-section was omitted from the original submission.</p> 	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.2.3	<p><b>Location:</b> A33 Link Road – chainages 135 to 425</p> <p><b>Summary:</b> Risk of head-on type collisions if road users make injudicious overtaking manoeuvres.</p> <p>It appears that a "Section C" horizontal curve (1300m) is proposed along the A3 Link Road, where the speed limit is proposed to be 40mph (70kph design speed). This would be within the radii not recommended in DMRB CD 109 (Figure 9.23N2). Therefore, road users may make injudicious overtaking decisions where they may not have a clear view of oncoming vehicles and head-on collisions could occur as a result.</p>	The horizontal curvature should be adjusted so that a Section C curve is not used.	<p><b>Recommendation: Accepted</b></p> <p>In line with DMRB CD 109 Section 9 single carriageway road overtaking sections, the current design will be amended to incorporate curve radius 1440m within Section B to a design speed 70kph along with verge width 3.40m on western side for radii as outlined in figure 9.23N2 horizontal curve design.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.2.4	<p><b>Location:</b> A33 Link Road – chainages 1060 to 1260</p> <p><b>Summary:</b> Risk of head-on type collisions if road users make injudicious overtaking manoeuvres.</p> <p>It appears that a "Section C" horizontal curve (1100m) is proposed along the A33 Link Road, where the speed limit is proposed to be 40mph (70kph design speed). As mentioned above, this would be within the radii not recommended in</p>	The horizontal curvature should be adjusted so that a Section C curve is not used.	<p><b>Recommendation: Not Accepted</b></p> <p>The comment is accepted however, in this instance amending the horizontal alignment to provide a Section B type curve would necessitate works within the adjacent land which consists of SSSI and SAC classifications. The existing bridges crossing the River Itchen would also need to be demolished and new bridges provided which would have a significant cost impact to the scheme.</p> <p>To mitigate against the risk of vehicles attempting to overtake within this section, the road speed limit will be changed back to the existing 50mph, with the right-hand turning lane taper increased into the</p>	Design Organization's response is accepted and agreed.	In line with Designer Organisation response

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	DMRB CD 109 and collisions could occur if road users carry out injudicious overtaking manoeuvres.		adjacent business park. Double white centre lines and signage to TSRGD Diag. 521 will also be provided.  We have produced a technical note on this item which formed part of the departure conversations with Mark Howes (NH), this technical note summarises why the Type B curve cannot be used.		
2.2.5	<p><b>Location:</b> Proposed M3 Underpass</p> <p><b>Summary:</b> Risk of loss of control collisions if SSD is less than desirable for actual vehicle speeds.</p> <p>The proposed retaining wall/ structure on the offside of the carriageway immediately beyond the exit to the underpass could restrict the stopping sight distance (SSD) to road users accelerating towards the M3 motorway. This could result in collisions such as loss of control if road users fail to observe a queue of traffic ahead or other obstructions in the carriageway.</p>	The position of the retaining wall/structure should be adjusted to ensure the required SSD can be provided, taking into account that actual speeds are likely to be greater than the 50mph speed limit as road users accelerate towards the M3 motorway.	<p><b>Recommendation: Accepted</b></p> <p>The departures drawing (HE551511-VFK-HAC_X_XXXX_XX-DR-CH-0002 rev P01) showed a departure from standards (D007) for the zone after the back of diverge nose due to uncertainty where the motorway started and design speed changes.</p> <p>This departure had assumed a higher design speed of 85kph from back of diverge nose. However, following discussions with Mark Howes (Senior Technical Advisor HE) and Adrian Manning (Technical Assurance HE) it was agreed the start of on-slip was at the motorway commencement signs. As such this short stretch would be a continuation of its upstream approach. Regarding the upstream approach, Relaxation R001 clarified that a permitted 3 step relaxation is implemented which provides 120m SSD through the underpass. This extent runs up to the start of the motorway on-slip that located at the Motorway Commencement Signs prior to the entry slip signals.</p> <p>The SSD visibility has been checked and is provided for with retaining walls located outside this envelope.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation and designer's response.
2.2.6	<p><b>Location:</b> Proposed A33 Link Road</p> <p><b>Summary:</b> Risk of side swipe type collisions due to merge arrangement</p> <p>Between the Gyratory and the Highways England Depot in the northbound direction, the merge from two lanes to one occurs from the nearside lane. This could increase the risk of side swipe type collisions as slower moving vehicles (such as HGVs) could have difficulty merging with vehicles travelling at higher speed.</p>	The layout should be adjusted so that the merge occurs from the offside lane so that the onerous is on higher speed traffic to slow down and merge with slower moving vehicles.	<p><b>Recommendation: Accepted</b></p> <p>As part of the ongoing development of the scheme's preliminary design, the Client has made a design decision to replace the Kings Worthy NMU with a standard footway.</p> <p>This has led to the realignment of the former NMU and re-evaluation of the puffin crossing requirements/location. This change has ultimately led to the puffin crossing being repositioned south of the depot roundabout which means the recommendation of the merge occurring from the offside lane can be incorporated.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation and designer's response.
2.3.1	<p><b>Location:</b> Proposed M3 Northbound Off-Slip Road</p> <p><b>Summary:</b></p>	A "parallel diverge (Layout A option 2)" or a "Layout B option 1 - ghost island diverge" should	<p><b>Recommendation: Not Accepted</b></p> <p>As stated within DMRB CD 122 under 3.28, Layout A Option 2 cannot be applied as the current design radius is not less than the desirable</p>	Design Organization's response is accepted and agreed.	The designers response is noted at this stage and will be further reviewed and developed during the detailed design Stage 5.

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	<p>Risk of side swipe type collisions between diverging vehicles</p> <p>The diverge layout is designed as “Layout A option 1 – taper diverge” in reference to DMRB CD 122. This creates a wide expanse of carriageway at the diverge taper. As the M3 motorway is on an uphill gradient on approach to the junction, the differential in speed between diverging vehicles could lead to side swipe collisions if road users attempt to overtake or pull in late onto the slip road.</p>	<p>be provided to improve safety for diverging vehicles.</p>	<p>minimum (currently 1990m) and not vertically steeper than 3% (currently 2.3%).</p> <p>Additionally, Layout B Option 1 cannot be applied due to the current modelled traffic flows.</p> <p>Therefore, the current diverge layout is designed as “Layout A option 1 - taper diverge” in reference to DMRB CD 122, however the concern is noted, and the current road markings will be adjusted to elevate the perceived problem.</p> <p>As this is designed to standard, a risk assessment item to GG 104 will not be prepared for this problem.</p>		
<p><b>2.3.2</b></p>	<p><b>Location:</b> Segregated lane at Gyratory towards A272</p> <p><b>Summary:</b> Risk of shunt and overshoot collisions due to unusual give-way arrangement at end of segregated lane.</p> <p>The segregated lane ends with a give-way arrangement. This layout is unusual and road users using the segregated lane would normally expect the lane to end with a merge or short lane gain arrangement. The unusual nature of the layout could lead to shunt collisions if road users brake suddenly or overshoot collisions could occur if road users fail to stop at the give-way line.</p>	<p>The layout should be amended so that the segregated lane ends with a short lane gain arrangement, which then ends with a “two lanes to one” merge over a suitable distance.</p>	<p><b>Recommendation: Accepted</b></p> <p>Discussions with Mark Howes (Senior Technical Advisor HE) have resulted in a review (separate technical note HE551511-VFK-HGN-E_XXXX_XX-TN-CH-0004 refers) of the arrangement and a change of layout for the gyratory approach and the connection onto A272. The two-lane approach with segregated left turn lane has been replaced with a three-lane approach, a two-lane exit off the gyratory and a downstream lane merge arrangement.</p> <p><u>Revised arrangement layouts were included for review within the RSA stage 1 Addendum review.</u></p>	<p>Design Organization’s response is accepted and agreed.</p>	<p>In line with the RSA recommendation and designer’s response.</p>
<p><b>2.3.3</b></p>	<p><b>Location:</b> M3 Junction 9 Gyratory</p> <p><b>Summary:</b> Risk of collisions if vehicle speeds are high around gyratory.</p> <p>Vehicle speeds could be high around the gyratory as vehicle flows are likely to reduce significantly at the junction. Speeds along the straight sections at the M3 overbridges could be particularly high. This could increase the risk of entry versus circulatory type collisions, especially involving HGVs pulling out at the entries. Side swipe type collisions could also occur if road users change lane at high speed on the circulatory carriageway.</p>	<p>The gyratory should be designed to allow for future signalisation, such as allowing space for signal poles and localised carriageway widening on approach to stop lines.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>The comment is acknowledged; however, the current scheme scope doesn’t allow provision for future proofing based on assumptions of vehicles exceeding the enforced speed limits.</p> <p>It would seem unlikely that vehicles would use excessive speed in this location based on the traffic volume flows and numerous exits &amp; entries.</p> <p>As part of an ongoing value engineering exercise, the lane widths over the bridged sections of the gyratory will be reduced which should also mitigate against the raised item.</p> <p><u>Refer to RSA1 addendum report &amp; designer response for more details</u></p>	<p>Design Organization’s response is accepted and agreed.</p>	<p>The designers response is noted at this stage and will be further reviewed and developed during the detailed design Stage 5.</p>

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
			It is also worth noting that the current existing strategy is a signal arrangement which is being replaced with the traditional roundabout free-flow system based on the traffic modelling for traffic flows now and the future.		
2.3.4	<p><b>Location</b> M3 Junction 9 Gytratory</p> <p><b>Summary</b> Risk of entry versus circulatory type collisions due to low entry angle.</p> <p>The entry angle appears low on the A273 approach to the gyratory. This is likely to place drivers in a merging position where they have to look back over their right shoulder to see circulating vehicles (especially two-wheelers). Entry versus circulatory type collisions could occur as a result if drivers fail to see vehicles approaching from their right.</p>	The entry angle should be measured, and geometric amendments made to ensure the angle is within the ideal range of 30 to 40 degrees	<p><b>Recommendation: Not Accepted</b></p> <p>Current entry angle = 27 degrees. We are outside of the ideal 30-40 range, but we are within the guidance limits.</p> <p>CD 116 3.18.1 "The entry angle should be no less than 20 degrees and no greater than 60 degrees for normal and compact roundabouts"</p>	Design Organization's response is accepted and agreed.	In line with deisnger's response as still within the guidance limits
2.3.5	<p><b>Location</b> Cross hatch road markings at Gytratory</p> <p><b>Summary</b> Risk of loss of control involving two-wheeled vehicles</p> <p>Large amounts of cross hatch road markings (Diagram 1040.4) are proposed at various locations at the gyratory, such as the western section of the circulatory carriageway, the southbound segregated lane to the A272 and the northbound segregated lane to the A33 Link Road. These areas are likely to accumulate large amounts of gravel and debris over time, which could present a loss of control hazard to two-wheeled vehicles if they veer into this area.</p>	The layouts should be amended to remove the need for nearside cross hatching. (Note: The swept path analysis indicates that these areas are not needed to accommodate HGV manoeuvres).	<p><b>Recommendation: Not Accepted</b></p> <p>DMRB CD 116 Geometric design of roundabouts under Clause 6.15 outlines the Geometric requirements for the segregated left turn lanes states that hatched road markings shall be provided on the nearside of the curve to retain a marked lane width of a minimum of 3.5 metres as shown in the indicative cross-section in Figure 6.15 (for a SLTL island less than 50 metres in length and with a nearside kerb radius of 20 metres).</p> <p>Additionally, Figure 6.53.2a &amp; Figure D.6 outlined within CD116 demonstrates the hatching design currently being proposed is acceptable. However, your comment is noted, and this item will be recorded within the PCF Product Maintenance &amp; Operations Statement stating that the hatched areas on the gyratory should be regularly cleared within a bi-annual maintenance plan.</p>	Design Organization's response is accepted and agreed.	The design has been developed to remove the SLTL and will be further developed during the detailed design stage. The designers response is therefore noted at this stage and will be further reviewed and developed during the Stage 5 detailed design?
2.3.6	<p><b>Location:</b> Proposed A33 Roundabout</p> <p><b>Summary:</b> Risk of loss of control if vehicles lose control where "dead" carriageway space is created.</p> <p>A large amount cross hatch road marking (Diagram 1040.4) is proposed along the western side of the roundabout circulatory carriageway. This will create an expansive "dead" area of carriageway space which is likely to accumulate a</p>	The roundabout should be designed without the requirement for large expanses of cross hatch road marking within the circulatory carriageway.	<p><b>Recommendation: Not accepted</b></p> <p>The current design demonstrates that the hatched area is being used for larger articulated vehicles and therefore cannot be designed out. This hatched area is also required to signify/reduce the RBT down to one lane circulatory however, your comment is noted and this item will be recorded within the PCF Product Maintenance &amp; Operations Statement stating that the hatched areas on the gyratory should be regularly cleared within a bi-annual maintenance plan.</p>	Design Organization's response is accepted and agreed.	The designers response is noted at this stage and will be further reviewed and developed during the Stage 5 detailed design to determine exactly the area of hatching required for large turning vehicles and to minimise the 'dead' areas.

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	<p>large amount of loose gravel and other debris, which could present a loss of control hazard to two-wheeled vehicles if they veer into this area.</p>				
<p><b>2.4.1</b></p>	<p><b>Location:</b> Proposed M3 and A34 Northbound underpasses</p> <p><b>Summary:</b> Risk of collisions if lighting within underpasses does not allow road users to visually adapt quickly to changing conditions.</p> <p>The underpasses will be quite long and so driver's eyesight may not adjust quickly when entering and leaving the underpasses if they are not suitably illuminated. In particular, at the M3 underpass, road users will be approaching a decision point immediately upon leaving the underpass where the diverge to the Gyratory/A272 link road occurs. This could result in loss of control, side swipe and shunt type collisions if road users swerve or brake suddenly.</p>	<p>The underpasses should be suitably illuminated to ensure road users can visually adapt quickly when entering, travelling through and exiting the underpasses in both daylight and night-time conditions.</p>	<p><b>Recommendation: Accepted</b></p> <p>The intention is to light all underpasses &amp; subways proposed within Stage 3 and will be developed during Stage 5. It should be noted that this information was omitted from the original submission.</p>	<p>Design Organization's response is accepted and agreed.</p>	<p>In line with the RSA recommendation.</p>
<p><b>2.4.2</b></p>	<p><b>Location:</b> Proposed A33 and Highways England Depot Roundabouts</p> <p><b>Summary:</b> Risk of overshoot and loss of control type collisions at night.</p> <p>It is not known if street lighting will be provided at the roundabouts, but if not, road users could find it difficult to acknowledge the position and layout of the junctions at night. This could lead to overshoot and loss of control type collisions at the entries if road users fail to slow on the approaches.</p>	<p>Street lighting should be provided at the roundabouts and for a suitable distance on the approaches.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>It was agreed with HE lighting SES specialist Simon Langley that these areas are not required to be lit apart from Easton Lane, underpasses, and the subways based on:</p> <ul style="list-style-type: none"> <li>a) Historically not lit already</li> <li>b) It would be a change from the normal for regular road users</li> <li>c) If sections were lit – and in conjunction with the 5 second rule – it would lead to lighting the whole scheme</li> </ul>	<p>Design Organization's response is accepted and agreed.</p>	<p>The designers response is noted at this stage and will be further reviewed and developed during the Stage 5 detailed design. A separate Technical Note with lighting specialist has been developed and is being progressed.</p>

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
2.4.3	<p><b>Location:</b> Proposed Toucan Crossings on A33 Link Road</p> <p><b>Summary:</b> Risk of pedestrians and cyclists being struck by vehicles if toucan crossings are in darkness</p> <p>It is not known whether this section of the A33 Link Road will have street lighting, but if not, the toucan crossings will be in darkness. This could increase the risk of pedestrians and cyclists being struck by vehicles if they attempt to cross during the red man phase, or if vehicles overshoot the stop line and fail to see vulnerable road users in the carriageway.</p>	<p>The toucan crossings should be suitably illuminated at night by a system of street lighting or flood lights.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>Based on RSA problem reference 2.4.2 response, the proposed toucan crossing should not be lit on unlit lengths of highway. Consideration was discussed with NH SES on the use of separate local lighting but was ruled out on the above criteria and environmental impact to South Downs dark skies.</p>		<p>The designers response is noted at this stage and will be further reviewed and developed during the Stage 5 detailed design. A separate Technical Note with lighting specialist has been developed and is being progressed.</p>
2.5.1	<p><b>Location:</b> Proposed M3 Underpass</p> <p><b>Summary:</b> Risk of loss of control and shunt collisions if road users make decision at diverge point too late.</p> <p>Road users will reach a decision point immediately upon leaving the underpass where the diverge to the Gyratory / A272 link road occurs. An advance direction sign (ref. Stantec_0022) is provided in advance of the underpass, but none are provided for road users leaving the underpass. This could result in loss of control and shunt collisions if road users swerve or brake suddenly. It should also be noted that there are departures and relaxations to standard in this area in relation to curvature and SSD, which is likely to compound the safety problems.</p>	<p>Additional direction signs (such as overhead signs within the underpass) should be provided to improve information provided to road users. At the diverge, the M3 Motorway and A272 route confirmatory signs (ref. Stantec_0002 and 0043) should be provided closer to the diverge point.</p>	<p><b>Recommendation: Accepted</b></p> <p>Additional signage and road marking (destination text) will be added on the approach to the underpass. The route confirmatory signs (ref. Stantec 0002 and 0043) will also be assessed and amended as necessary.</p>	<p>Design Organization's response is accepted and agreed.</p>	<p>In line with the RSA recommendation.</p>
2.5.2	<p><b>Location:</b> A34 Southbound; diverge to Gyratory / A272 Link Road</p> <p><b>Summary:</b> Risk of collisions if Non-motorway traffic enters M3 motorway or tries to reverse at a hazardous location.</p> <p>Non-motorway traffic may fail to leave the A34 at the diverge for the Gyratory / A272 Link Road as a confirmatory sign has not been provided at the</p>	<p>A confirmatory "Non motorway traffic" sign should be provided at the diverge point.</p>	<p><b>Recommendation: Accepted</b></p> <p>Sign to be amended to recommendation</p>	<p>Design Organization's response is accepted and agreed.</p>	<p>In line with the RSA recommendation.</p>


RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	diverge point (this information is only provided on the Advance Direction Sign before the M3 underpass). This could result in collisions if non-motorway traffic continues on to the M3 motorway or tries to reverse at the diverge, which would be very dangerous for all road users.				
2.6.1	<p><b>Location:</b> Proposed walking and cycling route, near proposed A34 northbound subway</p> <p><b>Summary:</b> Risk of injury to pedestrians and cyclists if they fall down a high and steep embankment slope.</p> <p>A high and potentially steep embankment slope will run along the northern side of the walking and cycling route, quite close to its edge. If cyclists lose control here or pedestrians walk too close to the edge, they could be injured if they fall down the slope</p>	A suitable restraint system should be provided to protect the embankment slope.	<p><b>Recommendation: Accepted</b></p> <p>This was shown on Drg No. HE551511-VFK-HFE-X_XXXX_XX-DR-CH-0302 as part of the original submission.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.6.2	<p><b>Location:</b> Highways England Depot Roundabout</p> <p><b>Summary:</b> Risk of injury to pedestrians and cyclists as they cross to reach the depot.</p> <p>A crossing point for pedestrians and cyclists does not appear to be provided to allow users to cross the roundabout to reach the Highways England Depot. Pedestrians and cyclists could be vulnerable to being hit by vehicles in the absence of a crossing point, or they could trip and fall trying to negotiate full height kerbs.</p>	A suitable crossing point should be provided for pedestrians and cyclists to allow them to cross to the depot.	<p><b>Recommendation: Accepted</b></p> <p>As part of the ongoing development of the scheme's preliminary design, this has ultimately led to the introduction of toucan crossing being repositioned south of the depot roundabout as a direct link to cross the A33 as part of the proposed footway/cycling route.</p> <p>It should be noted due to the model traffic flows, this eliminates an uncontrolled crossing point at the RBT as a possible option.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.6.3	<p><b>Location:</b> Easton Lane; walking and cycling routes</p> <p><b>Summary:</b> Risk of injury to pedestrians and cyclists due to absence of a suitable paths along a potential natural desire line.</p> <p>There could be a pedestrian and cycle desire line to travel along the northern side of Easton Lane (alongside the Homebase boundary) and connect</p>	A walking and cycling route should be provided along the northern side of Easton Lane, connecting into the proposed route along the A33 Link Road.	<p><b>Recommendation: Not Accepted</b></p> <p>As part of the ongoing development of the scheme's preliminary design, this has also led to the realignment of the footway/cycling route and re-evaluation of the toucan crossing requirements/location.</p> <p>The verge length on the northern side of Easton Lane will be fenced off and landscaped to discourage/ void pedestrians and cyclists from using the verge as a perceived desire line.</p>	Design Organization's response is accepted and agreed.	In line with designer's response

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	to the proposed walking and cycling route along the A33 Link Road. The absence of a route on the northern side of Easton Lane could lead to injury if pedestrians and cyclists travel in the carriageway or along an uneven, narrow and slippery verge.				
2.6.4	<p><b>Location</b> A33 Link Road; uncontrolled pedestrian crossing point near northern tie-in</p> <p><b>Summary:</b> Risk of pedestrians being struck by vehicles as they cross wide carriageway</p> <p>Pedestrians could be vulnerable crossing the wide carriageway, where speeds could be high. In particular, if pedestrians wait on the crosshatch road markings, they will have a false sense of security and could be struck by vehicles that veer into this area.</p>	The crossing point should be made safer by incorporating buildouts into the hatched areas to reduce the crossing distance. (See also Problem 2.2.1).	<p><b>Recommendation: Accepted</b></p> <p>This recommendation will be incorporated within the current proposed works going forwards.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.6.5	<p><b>Location:</b> Walking and cycling routes</p> <p><b>Summary:</b> Risk of collisions if vulnerable road users travel within the carriageway of the A34 and A31.</p> <p>The scheme provides long distance walking and cycling routes, but users unfamiliar with area (such as those following the National Cycle Network) may get lost and then attempt to cycle within the busy carriageways of the A34 and A31. They would be at high risk of being hit by vehicles travelling at speed along these roads.</p>	Comprehensive wayfinding directional signing should be provided throughout the scheme for pedestrians and cyclists.	<p><b>Recommendation: Accepted</b></p> <p>This recommendation will be incorporated within the current proposed works going forwards.</p>	Design Organization's response is accepted and agreed.	In line with the RSA recommendation.
2.6.6	<p><b>Location:</b> Walking and cycling routes</p> <p><b>Summary:</b> Risk of injury if unsegregated cycle facilities provided.</p> <p>Throughout the scheme, it appears that unsegregated share use footway/ cycleway facilities are provided. This type of design is no longer favoured in "LTN 1/20 Cycle Infrastructure</p>	It is recommended that the cycle facilities are designed as being separated from footways by providing cycle tracks with kerbed or stepped segregation. This would make the facilities safer and more attractive for use by cyclists and reduce potential conflicts with pedestrians.	<p><b>Recommendation: Not Accepted</b></p> <p>The project is located in a rural location with low levels of pedestrian and cycle traffic and complies with DMRB (CD143 / CD195) only, though some criteria meet the LTN1/20 guidelines.</p> <p>Implementing a consistent 5m width with segregated kerbing has vast cost implications and deviates considerable from the original concept agreed within the previous stages.</p>	Design Organization's response is accepted and agreed.	The designers response is noted at this stage and will be further reviewed and developed during the Stage 5 detailed design.



RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	Design" as it does not meet the core design principles for safe and efficient use by cyclists. The core principles are that cycle infrastructure should be Coherent, Direct, Safe, Comfortable and Attractive. If unsegregated facilities are provided, conflicts could occur between pedestrians and cyclists, especially if cyclists are travelling at speed on the long uninterrupted sections that are proposed.		<p>It should also be noted that within LTN 1/20 Cycle infrastructure Design under 1.4.5 that off-carriageway provision may either be physically segregated or a common surface shared.</p> <p>Additionally, within the WCHA report it was noted under 8.3 when considering the density of usage of the proposed NMU route associated with M3 junction and comparing against the existing established routes there is no issues associated with 3m width NMU and the provision of anything wider would be excessive.</p> <p>As part of the ongoing development of the scheme's preliminary design, this has also led to the realignment of the footway/cycling route and re-evaluation of the toucan crossing requirements/location.</p>		

#### Design organisation and Overseeing Organisation statements

<b>On behalf of the design organisation, I certify that:</b>
<b>1) The RSA actions identified in response to the road safety audit problems in this road safety audit have been discussed and agreed with the Overseeing Organisation.</b>
Name: Tim Allen
Signed: 
Position: Associate
Organisation: Stantec
Date: 29.11..21

#### Overseeing Organisation statement

<b>On behalf of the Overseeing Organisation I certify that:</b>
<b>1) The RSA actions identified in response to the road safety audit problems in this road safety audit have been discussed and agreed with the design organisation; and</b>
<b>2) The agreed RSA actions will be progressed.</b>
Name: Anne-Marie Palmer
Signed:
Position: Project Manager
Organisation: National Highways
Date:

## Appendix A – Safety Risk Assessment for Exceptions

The following Safety Risk Assessment(s) are for the problems raised by RSA1 Auditor when the Designer is not agreeing with the RSA1 Auditor's recommendations. Highways England has instructed these Safety Risk Assessment's to be included in this RSA1 Response Report.

The Safety Risk Assessment following the GG104 Rev 0 procedure.

### RSA Problem Ref 2.2.1

**Summary:** Risk of collisions associated with high speed, such as loss of control and hazardous overtaking

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of collisions associated with high speed, such as loss of control and hazardous overtaking</p> <p>The road is designed as "single lane dualling" with a central reservation and large amounts of cross hatch road markings. This type of layout indicates a high-speed road, through the speed limit will be 40mph. Therefore, compliance with the speed limit is likely to be low and higher actual speeds could increase the risk of collisions, such as loss of control and those involving hazardous overtaking.</p>	3	4	Medium	At this location the proposed highway geometric alignment is tying into the existing alignment (existing central reservation). Whilst it is accepted that there is a large amount of road marking hatching, this provides provision for vehicles to 'pass' broken down vehicles. Amending the alignment to remove the existing central reservation would necessitate a significant amount of additional works and necessitate the need to reconfigure the Kings Worthy Junction.	3	4	Medium	The proposed scheme works tie into the existing geometry leading up to the existing Kings Worthy junction. From the current accident collision data provided, there is no evidence that this hazard identified is a perceived risk on the current highway network.
Totals				12				12	

### RSA Problem Ref 2.2.4

**Summary:** Risk of head-on type collisions if road users make injudicious overtaking maneuvers.

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of head-on type collisions if road users make injudicious overtaking maneuvers.</p> <p>It appears that a "Section C" horizontal curve (1100m) is proposed along the A33 Link Road, where the speed limit is proposed to be 40mph (70kph design speed). As mentioned above, this would be within the radii not recommended in DMRB CD 109 and collisions could occur if road users carry out injudicious overtaking maneuvers.</p>	3	4	Medium	<p>The comment is accepted. However, in this instance amending the horizontal alignment to provide a Section B type curve would necessitate works within the adjacent land which consists of SSSI and SAC classifications. The existing bridges crossing the River Itchen would also need to be demolished and new bridges provided which would have a significant cost impact to the scheme.</p> <p>To mitigate against the risk of vehicles attempting to overtake within this section, the road speed limit will be changed back to the existing 50mph, with the right-hand turning lane taper increased into the adjacent business park. Double white centre lines and signage to TSRGD Diag. 521 will also be provided.</p>	2	4	Low	<p>To mitigate against the risk of vehicles attempting to overtake within this section, the road speed limit has been changed back to the existing 50mph limit, with the right-hand turning lane taper increased into the adjacent business park.</p> <p>Double white centre lines and signage to TSRGD Diag. 521 has also been provided to discourage any form of overtaking. This element of installation will be consulted with the police.</p>
Totals				12				8	

**RSA Problem Ref 2.3.4**

**Summary:** Risk of entry versus circulatory type collisions due to low entry angle.

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of entry versus circulatory type collisions due to low entry angle.</p> <p>The entry angle appears low on the A273 approach to the gyratory. This is likely to place drivers in a merging position where they have to look back over their right shoulder to see circulating vehicles (especially two-wheelers). Entry versus circulatory type collisions could occur as a result if drivers fail to see vehicles approaching from their right.</p>	2	3	Low	<p>Current entry angle = 27 degrees. We are outside of the ideal 30-40 range, but we are within the guidance limits.</p> <p>CD 116 3.18.1 "The entry angle should be no less than 20 degrees and no greater than 60 degrees for normal and compact roundabouts"</p>	2	3	Low	Design is within the guidance limits. Residual risks remain as per all entries of this type.
Totals				6				6	

**RSA Problem Ref 2.3.5**

**Summary:** Risk of loss of control involving two-wheeled vehicles

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of loss of control involving two-wheeled vehicles</p> <p>Large amounts of cross hatch road markings (Diagram 1040.4) are proposed at various locations at the gyratory, such as the western section of the circulatory carriageway, the southbound segregated lane to the A272 and the northbound segregated lane to the A33 Link Road. These areas are likely to accumulate large amounts of gravel and debris over time, which could present a loss of control hazard to two-wheeled vehicles if they veer into this area.</p>	3	3	Low	<p>DMRB CD 116 Geometric design of roundabouts under Clause 6.15 outlines the Geometric requirements for the segregated left turn lanes states that hatched road markings shall be provided on the nearside of the curve to retain a marked lane width of a minimum of 3.5 metres as shown in the indicative cross-section in Figure 6.15 (for a SLTL island less than 50 metres in length and with a nearside kerb radius of 20 metres).</p> <p>Additionally, Figure 6.53.2a &amp; Figure D.6 outlined within CD116 demonstrates the hatching design currently being proposed is acceptable.</p>	2	3	Low	<p>The current design is within standard and the comment has been noted.</p> <p>This item will be recorded within the PCF Product Maintenance &amp; Operations Statement stating that the hatched areas on the gyratory should be regularly cleared within a bi-annual maintenance plan to mitigate any further perceived risk.</p>
Totals				9				6	

**RSA Problem Ref 2.3.6**

**Summary:** Risk of loss of control if vehicles lose control where “dead” carriageway space is created.

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of loss of control if vehicles lose control where “dead” carriageway space is created.</p> <p>A large amount cross hatch road marking (Diagram 1040.4) is proposed along the western side of the roundabout circulatory carriageway. This will create an expansive “dead” area of carriageway space which is likely to accumulate a large amount of loose gravel and other debris, which could present a loss of control hazard to two-wheeled vehicles if they veer into this area.</p>	2	3	Low	The current demonstrates that the hatched area is being used for larger articulated vehicles and therefore cannot be designed out. This hatched area is also required to signify/reduce the RBT down to one lane circulatory.	2	3	Low	<p>The current design is within the design standards and is required as part of the vehicle tracking movements however, the comment has been noted.</p> <p>This item will be recorded within the PCF Product Maintenance &amp; Operations Statement stating that the hatched areas on the gyratory should be regularly cleared within a bi-annual maintenance plan to mitigate any further perceived risk.</p>
Totals				6				6	

**RSA Problem Ref 2.4.2**

**Summary:** Risk of overshoot and loss of control type collisions at night.

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of overshoot and loss of control type collisions at night.</p> <p>It is not known if street lighting will be provided at the roundabouts, but if not, road users could find it difficult to acknowledge the position and layout of the junctions at night. This could lead to overshoot and loss of control type collisions at the entries if road users fail to slow on the approaches.</p>	3	4	Medium	<p>It was agreed with HE lighting SES specialist that these areas are not required to be lit apart from Easton Lane, underpasses, and the subways based on:</p> <ul style="list-style-type: none"> <li>a) Historically not lit already</li> <li>b) It would be a change from the normal for regular road users</li> <li>c) If sections were lit – and in conjunction with the 5 second rule – it would lead to lighting the whole scheme.</li> </ul>	2	4	Low	Advanced Directional signs are located on the approach to each roundabout. Furthermore, within the accident collision data provided, lack of street lighting has not been a factor in any collisions within the scheme area to date.
Totals				12				8	

**RSA Problem Ref 2.6.3**

**Summary:** Risk of injury to pedestrians and cyclists due to absence of a suitable paths along a potential natural desire line.

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p>Risk of injury to pedestrians and cyclists due to absence of a suitable paths along a potential natural desire line.</p> <p>There could be a pedestrian and cycle desire line to travel along the northern side of Easton Lane (alongside the Homebase boundary) and connect to the proposed walking and cycling route along the A33 Link Road. The absence of a route on the northern side of Easton Lane could lead to injury if pedestrians and cyclists travel in the carriageway or along an uneven, narrow and slippery verge.</p>	4	4	Major	<p>As part of the ongoing development of the scheme's preliminary design, this has also led to the realignment of the footway/cycling route and re-evaluation of the toucan crossing requirements/location.</p> <p>The verge length on the northern side of Easton Lane will be fenced off and landscaped to discourage/ void pedestrians and cyclists from using the verge as a perceived desire line.</p>	2	1	Low	A combination of providing of a grade separated link which includes, a realigned proposed footway/cycleway, a designated crossing point of A33, and fencing/landscaping arrangements adjacent to A33 provides significant mitigation of the hazard raised.
Totals				16				2	

**RSA Problem Ref 2.6.6**

**Summary:** Risk of injury if unsegregated cycle facilities provided.

Ref	Hazard Description	P	S	R	Response/Control Measure	P	S	R	Comment
1	<p><i>Risk of injury if unsegregated cycle facilities provided.</i></p> <p>Throughout the scheme, it appears that unsegregated share use footway/ cycleway facilities are provided. This type of design is no longer favoured in "LTN 1/20 Cycle Infrastructure Design" as it does not meet the core design principles for safe and efficient use by cyclists. The core principles are that cycle infrastructure should be Coherent, Direct, Safe, Comfortable and Attractive. If unsegregated facilities are provided, conflicts could occur between pedestrians and cyclists, especially if cyclists are travelling at speed on the long uninterrupted sections that are proposed.</p>	3	4	Medium	<p>The project is located in a rural location with low levels of pedestrian and cycle traffic and complies with DMRB (CD143 / CD195) only, though some criteria meet the LTN1/20 guidelines.</p> <p>Implementing a consistent 5m width with segregated kerbing has vast cost implications and deviates considerable from the original concept agreed within the previous stages.</p> <p>The proposed footway cycleway route has clear visibility routes and it is expected that consideration for pedestrians will naturally be given by cyclists using the route.</p>	3	4	Medium	Exact details regarding the footway / cycleway (signage, surface, road markings, etc. will be subject to detailed design during SGAR 5).
Totals				12				12	

**Risk classification and required action**

Probability (P)		Severity (S)					Risk Classification (R)
		1	2	3	4	5	
		Minor	Moderate	Serious	Major	Catastrophic	
1	Extremely Unlikely	1	2	3	4	5	Low (1-9) Ensure assumed control measures are maintained and reviewed as necessary.
2	Unlikely	2	4	6	8	10	Medium (10-19) Additional control measures needed to reduce risk rating to a level which is equivalent to a test of 'reasonably required' for the population concerned.
3	Likely	3	6	9	12	15	
4	Extremely Likely	4	8	12	16	20	High (20-25) Activity not permitted. Hazard to be avoided or risk to be reduced to tolerable.
5	Almost Certain	5	10	15	20	25	

Probability that harm will occur			Most common potential severity of harm e.g.		
1	Extremely Unlikely	Highly improbable, never known to occur	1	Minor Harm	Minor damage or loss no injury
2	Unlikely	Less than 1 per 10 years	2	Moderate Harm	Slight injury or illness, moderate damage or loss
3	Likely	Once every 5 – 10 years	3	Serious Harm	Serious injury or illness, substantial damage or loss
4	Extremely Likely	Once every 1 – 4 years	4	Major Harm	Fatal injury, major damage or loss
5	Almost Certain	Once a year	5	Catastrophic harm	Multiple fatalities, catastrophic loss or damage



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## **M3 Junction 9 Improvements, Hampshire**

### **Road Safety Audit Stage 1 - Addendum**

on behalf of Highways England

**Client: Stantec**

**TMS reference no: 16380**

**Date: 7<sup>th</sup> June 2021**

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# M3 Junction 9 Improvements, Hampshire

## Road Safety Audit Stage 1 - Addendum

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### 1. Introduction

- 1.1 This report describes an Addendum Stage 1 Road Safety Audit carried out on road improvements at M3 Junction 9 in Hampshire, on behalf of Highways England. The audit was carried out on 7<sup>th</sup> June 2021 in the offices of TMS Consultancy.

A Stage 1 Road Safety Audit on the whole scheme was completed by TMS Consultancy on 9<sup>th</sup> March 2021 (TMS Report No. 16214). This Addendum relates to changes to the scheme which are highlighted in paragraph 1.8 of this report.

- 1.2 The audit team members were approved by Anne-Marie Palmer of Highways England and were as follows:

#### **Audit Team Leader**

Harminster Aulak - BSc (Hons), IEng, FIHE, RegRSA (IHE)  
Highways England Approved RSA Certificate of Competency  
Technical Director – Engineering Services, TMS Consultancy

#### **Audit Team Member**

Lee Williams – BSc (Hons), MIHE  
Highways England Approved RSA Certificate of Competency  
Principal Engineer, TMS Consultancy

- 1.3 The audit comprised an examination of the documents listed in **Appendix A**. The Road Safety Audit was undertaken in accordance with the Audit Brief previously provided and approved by Anne-Marie Palmer (Highways England) on 3<sup>rd</sup> February 2021. The initial Audit Brief (which has not been changed since the previous audit) was examined and accepted by the Audit Team on 7<sup>th</sup> June 2021.
- 1.4 The site was visited by the Audit Team on Wednesday 3<sup>rd</sup> March 2021, between 13:00 and 15:00hrs, as part of the initial Stage 1 audit on the scheme. The weather was cloudy with rain showers. Traffic flows were moderate and free-flowing with little congestion. Pedestrian and cycle flows were low.



- 1.5 The terms of reference of the Road Safety Audit are as described in GG 119. The team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the design to any other criteria.
- 1.6 All of the problems described in this report are considered by the audit team to require action in order to improve the safety of the scheme and minimise collision occurrence.
- 1.7 Scheme drawings are included in **Appendix B**, where the locations of specific problems are referenced. A location plan of the scheme is also included in this Appendix.
- 1.8 This Addendum Stage 1 Road Safety Audit relates to the following changes to the scheme since the initial audit was carried out in March 2021:
  - I. M3 southbound off-slip to Gyratory/A272 - junction realignment (the previous segregated left turn lane from the M3 slip-road to the A272 has been removed and replaced by a three lane entry to the gyratory).
  - II. Reduction on gyratory lane widths from 4.2m to 3.65m each across the bridges.
  - III. The Western NMU has been reduced from a footway/cycleway (3.0m) to footway only (2m) from the Kingsworthy junction to the Tesco RBT at the Winnall Estate and no longer runs underneath the gyratory.
  - IV. The N23 subways at the gyratory have been reduced from 4.0m to 3.0m width.
- 1.9 This has been subjected to a previous Stage 1 Road Safety Audit carried out by Jacobs on 11<sup>th</sup> September 2019. However, this was based on a different scheme arrangement, but some points have been picked up where the design has been replicated. The Audit Report and Designer's Response have been examined as part of this audit.

## 1.10 Road Safety Audit Response Report

Following the completion of the road safety audit, the design team should prepare a road safety audit response report in collaboration with the Overseeing Organisation.

The response report should incorporate the following:

- **Decision Log** spreadsheet, where each Problem and Recommendation in the Safety Audit report is reiterated
- In the Decision Log, a response should be provided by the Design Team and Overseeing Organisation for each problem raised in the RSA report, together with an agreed action

Further information is provided in **GG 119 Sections 4.11 to 4.19** and **Appendix F** (where a road safety audit response report template is available).

The response report should be produced and finalised within *one month* of the issue of the RSA report. A copy of the response report should be issued to the Safety Audit Team for information.

## **2. Items resulting from this Stage 1 Audit**

### **2.1 M3 southbound off-slip to Gyratory/A272**

#### **2.1.1 PROBLEM**

Location: Entry onto gyratory from the M3 southbound off-slip road

Summary: Risk of entry versus circulatory type collisions due to low entry angle.

The entry angle appears low from the nearside lane of the slip-road as the entry radius is large. This is likely to place drivers in a merging position where they have to look back over their right shoulder to see circulating vehicles on the gyratory (especially two-wheelers). Entry versus circulatory type collisions could occur as a result if drivers fail to see vehicles approaching from their right.

#### RECOMMENDATION

The entry angle should be measured, and geometric amendments made if necessary to ensure the angle is within the ideal range of 30° to 40°.

#### **2.1.2 PROBLEM**

Location: Entry onto gyratory from the M3 southbound off-slip road

Summary: Risk of collisions at roundabout entry if entry path curvature is too high.

It was not possible to accurately measure the entry path curvature (EPC) at the entry to the gyratory. However, the EPC could be too high due to the large entry radius. A high EPC value could lead to vehicles entering the gyratory at high speed and colliding with circulating vehicles.

#### RECOMMENDATION

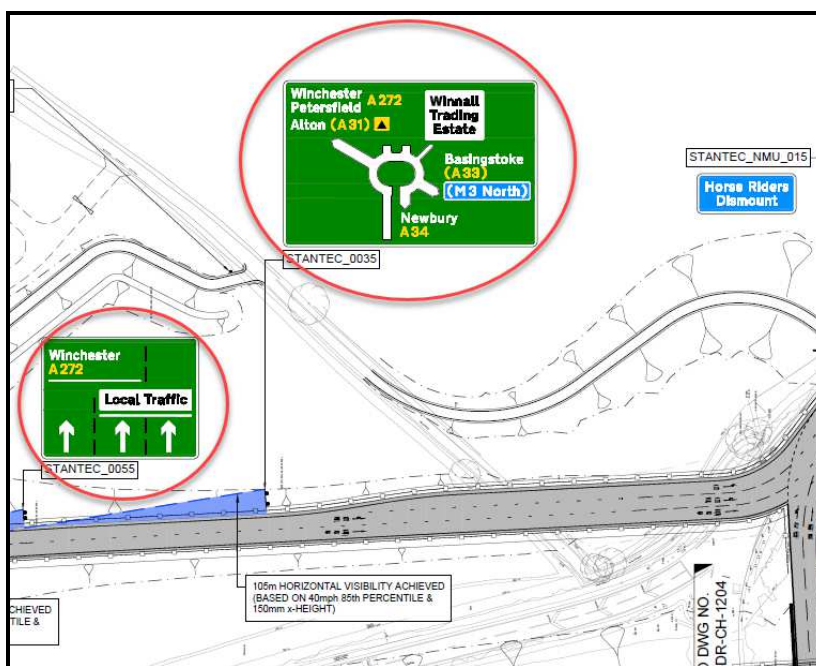
The EPC at the entry should be checked and geometric amendments made if necessary to ensure the value does not exceed 100m.

### 2.1.3 PROBLEM

Location: M3 southbound off-slip road approach to gyratory

Summary: Risk of side swipe type collisions if road users make late lane changing manoeuvres.

Direction signs 0035 and 0055 are located quite close together and so road users may not have sufficient time to comprehend the information on both the signs in a timely manner. This could lead to collisions (such as side-swipes) if road users make late lane changing manoeuvres within the three lane section of the slip-road.



### RECOMMENDATION

Direction sign 0035 should be relocated further south along the slip-road so that there is greater separation between the signs.

## **2.2 Footway route from Kingsworthy junction to Winnall Estate**

### **2.2.1 PROBLEM**

Location: General: whole footway route

Summary: Removal of cycle route could increase danger for cyclists.

The downgrading of the route from a footway/cycleway to a footway only will remove a direct link between the two destinations for cyclists. The alternative route would result in a significant detour for cyclists, who may instead choose to cycle along the footway where they could collide with pedestrians. They may also be tempted to cycle within the carriageway where they would be at risk of being hit by vehicles travelling at speed where speed limits are either 40 or 50mph.

### **RECOMMENDATION**

The cycleway link should be retained.

## **2.3 N23 Subways at Gyratory**

### **2.3.1 PROBLEM**

Location: Subways at gyratory

Summary: Risk of loss of control incidents involving cyclists.

Where the width of the subways will be reduced from 4m to 3m, any sudden reduction in the width of the NMU route could be a hazard to cyclists, particularly if the corners of the bridge abutments are positioned close to the edge of the path. Cyclists could lose control if they strike the abutments when travelling downhill towards the subways.

#### **RECOMMENDATION**

It should be ensured that any reductions in the width of the path are gradual, with the corners of the bridge abutment angled away from the edge of the path.

### 3. **Audit Team Statement**

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

#### **Audit Team Leader**

Harminder Aulak - BSc (Hons), IEng, FIHE, RegRSA (IHE)  
Highways England Approved RSA Certificate of Competency  
Technical Director – Engineering Services, TMS Consultancy

Signed



Date 7<sup>th</sup> June 2021

#### **Audit Team Member**

Lee Williams – BSc (Hons), MIHE  
Highways England Approved RSA Certificate of Competency  
Principal Engineer, TMS Consultancy

Signed



Date 7<sup>th</sup> June 2021

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Client: Stantec
Scheme: M3 Junction 9 Improvements, Hampshire - Addendum

Appendix A

Documents Examined (drawings issued on 02.06.21):



DOCUMENT REGISTER & ISSUE SHEET

Issuing Office Issue Sheet No: 1

Grid of checkboxes for issuing offices: Reading, Bristol, Edinburgh, Manchester, Oxford, London, Glasgow, Nottingham, Taunton, Birmingham, Leeds, Newcastle.

Job Name: M3 Junction 9
Job Number: HE551511 - 48176
Brief Name: Site Wide
Contact Name: Tim Allen
Day:
Month:
Year:

Calendar grid showing dates from 09 to 21 for months 09, 10, 11, 12.

Main document register table with columns: Size, Title, Number, and Revision Mark / Suitability Code.

Revision Mark / Suitability Code grid with columns for P01, P02, P03 and rows for each document entry.

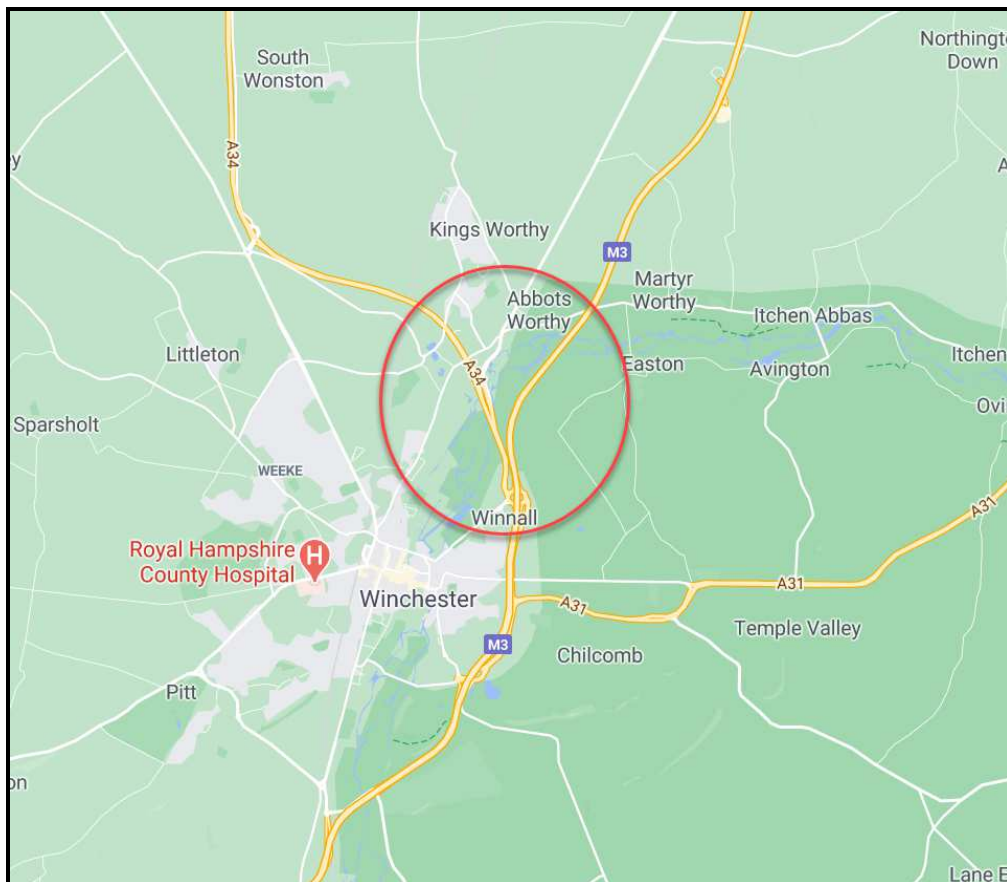




## Appendix B

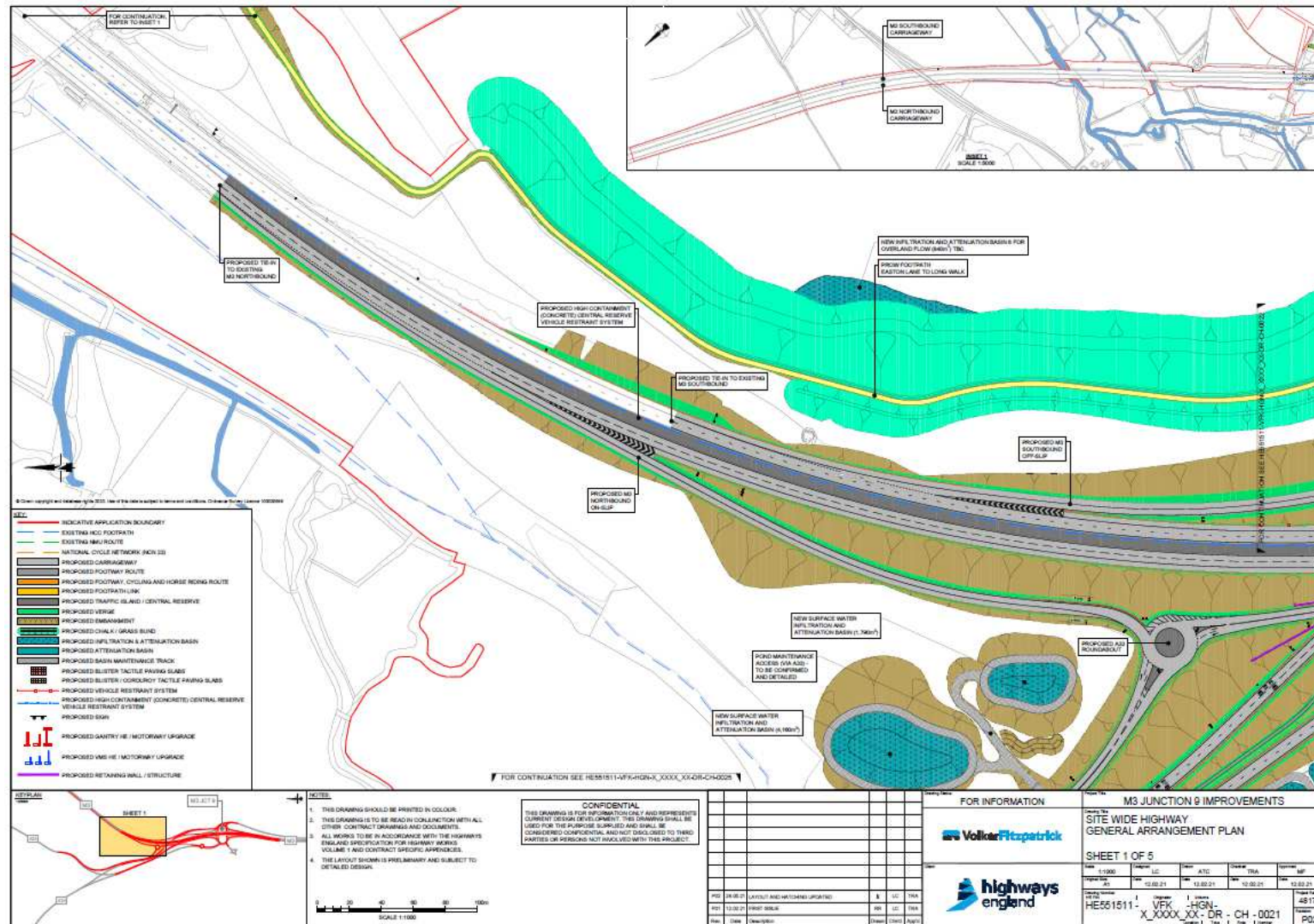
Please refer to the following pages for plans illustrating the locations of the problems identified as part of this audit (location numbers refer to paragraph numbers in the report).

The location of the scheme is shown below:



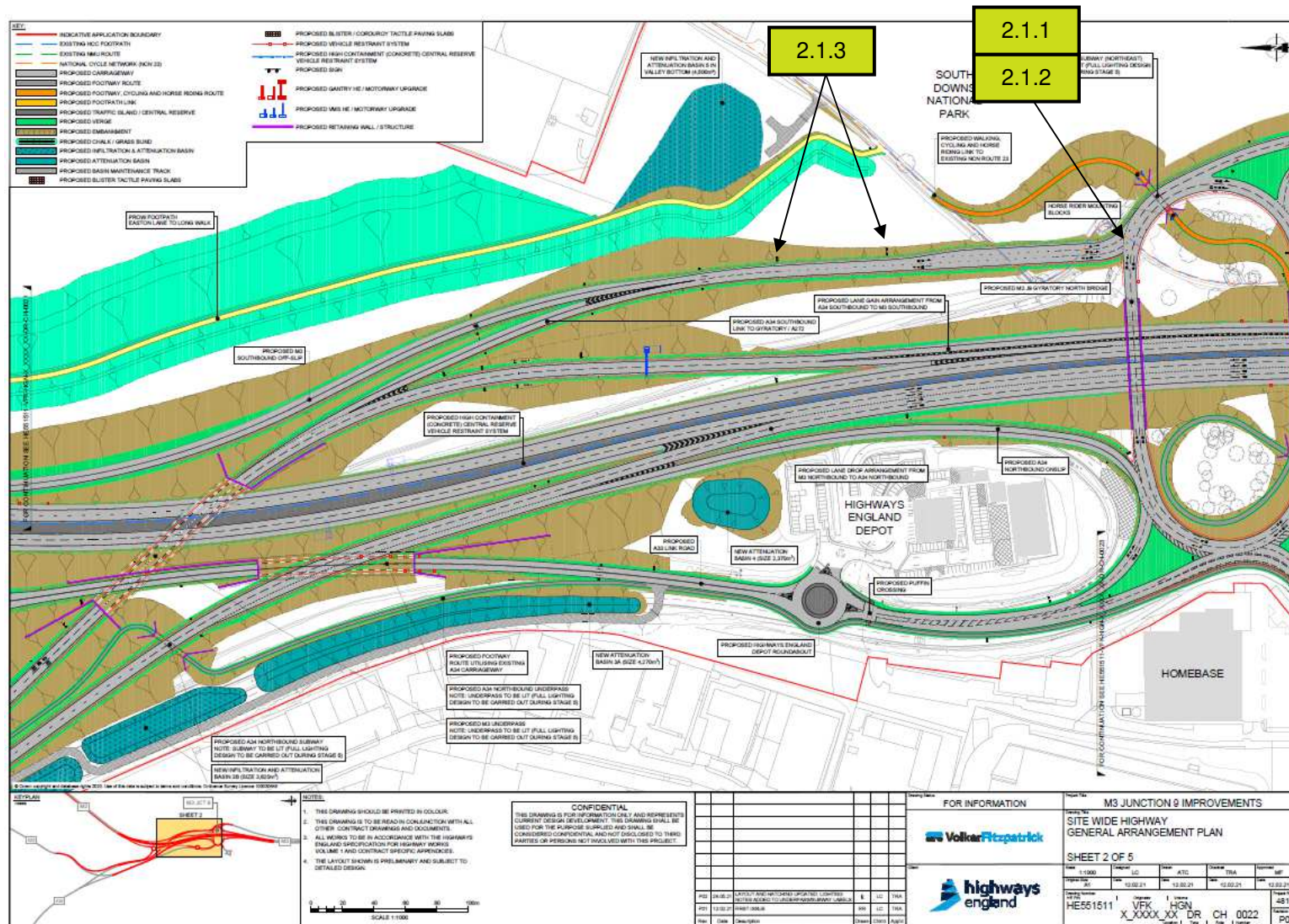
Client: Stantec

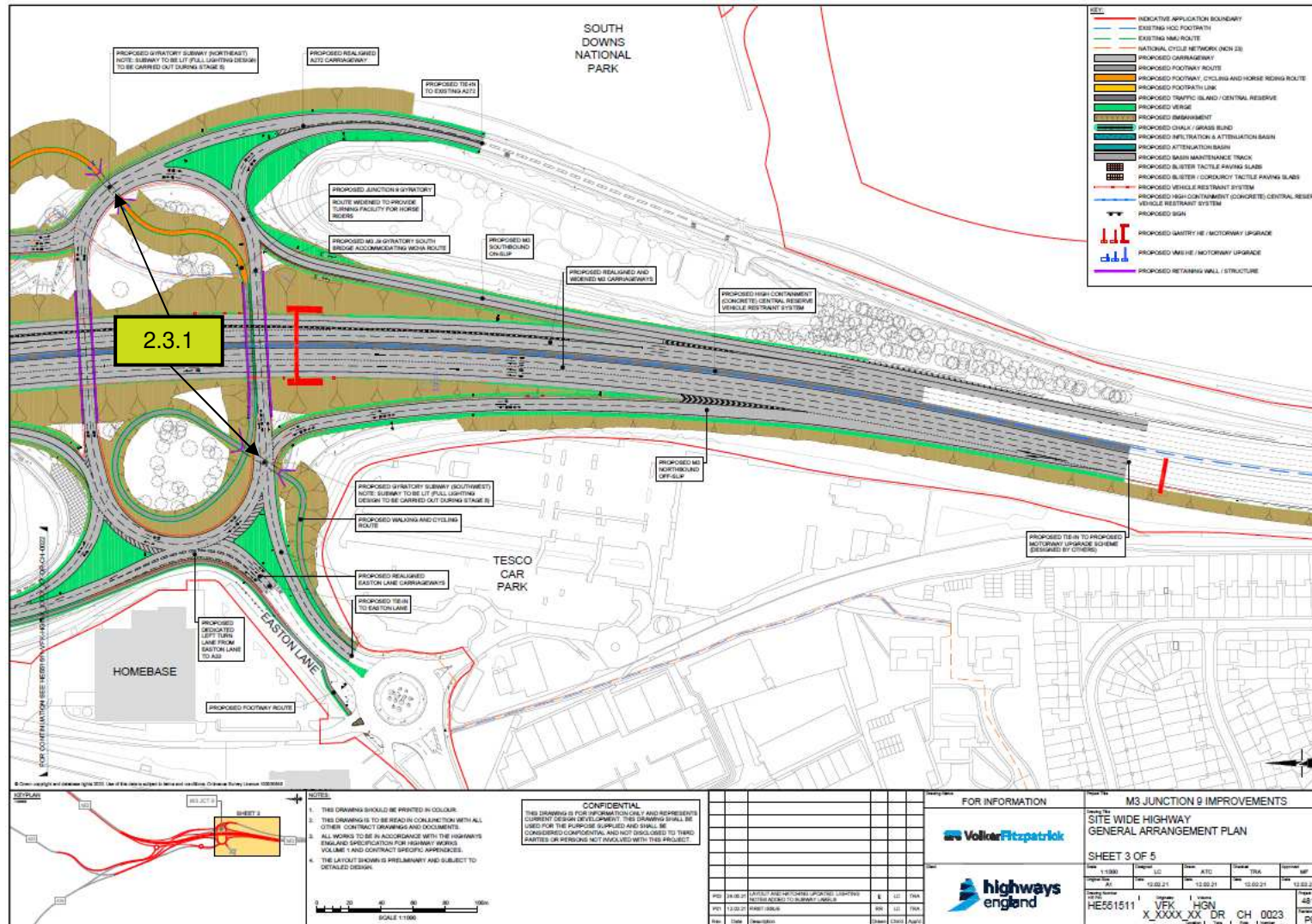
Scheme: M3 Junction 9 Improvements, Hampshire



Client: Stantec

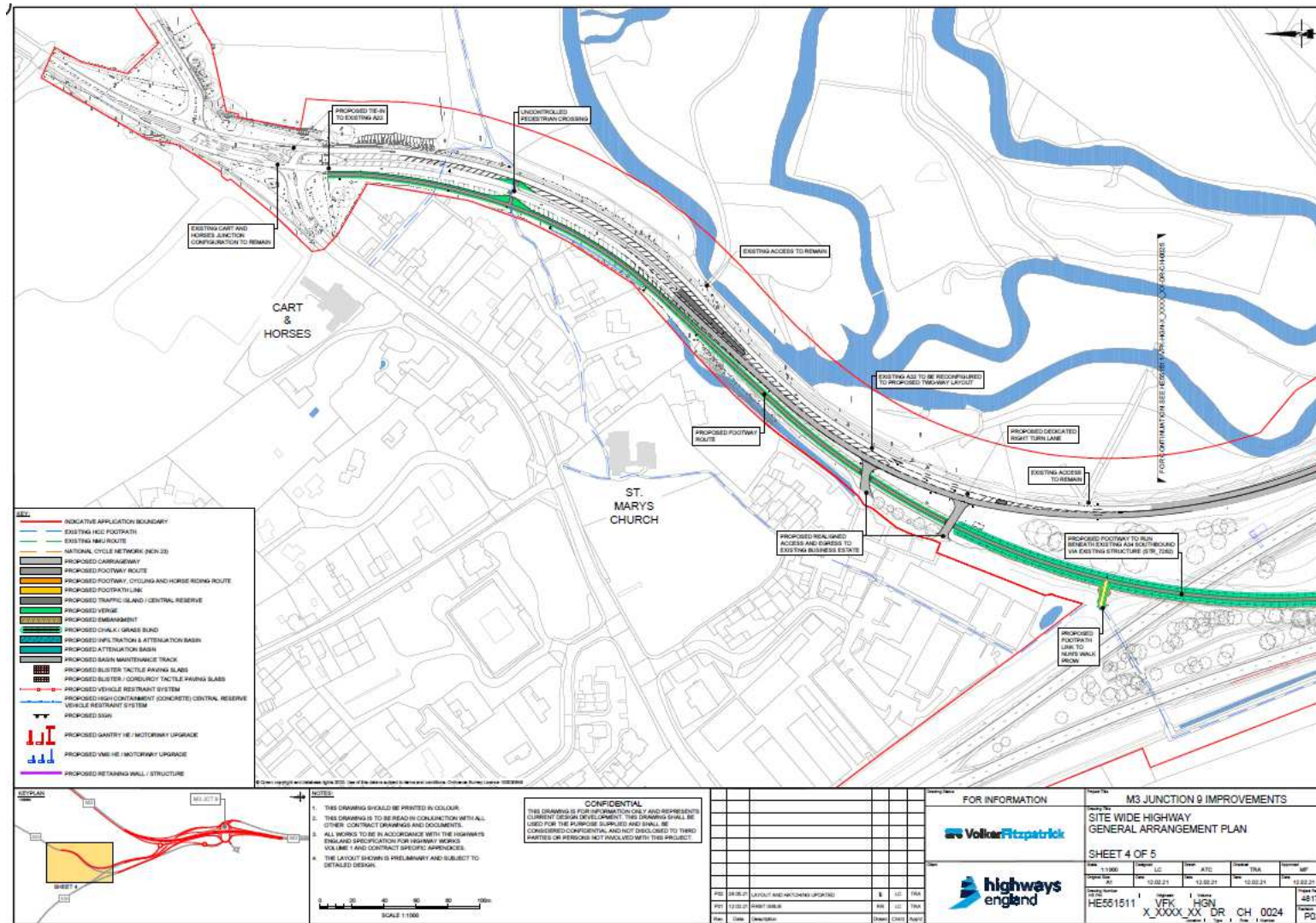
Scheme: M3 Junction 9 Improvements, Hampshire





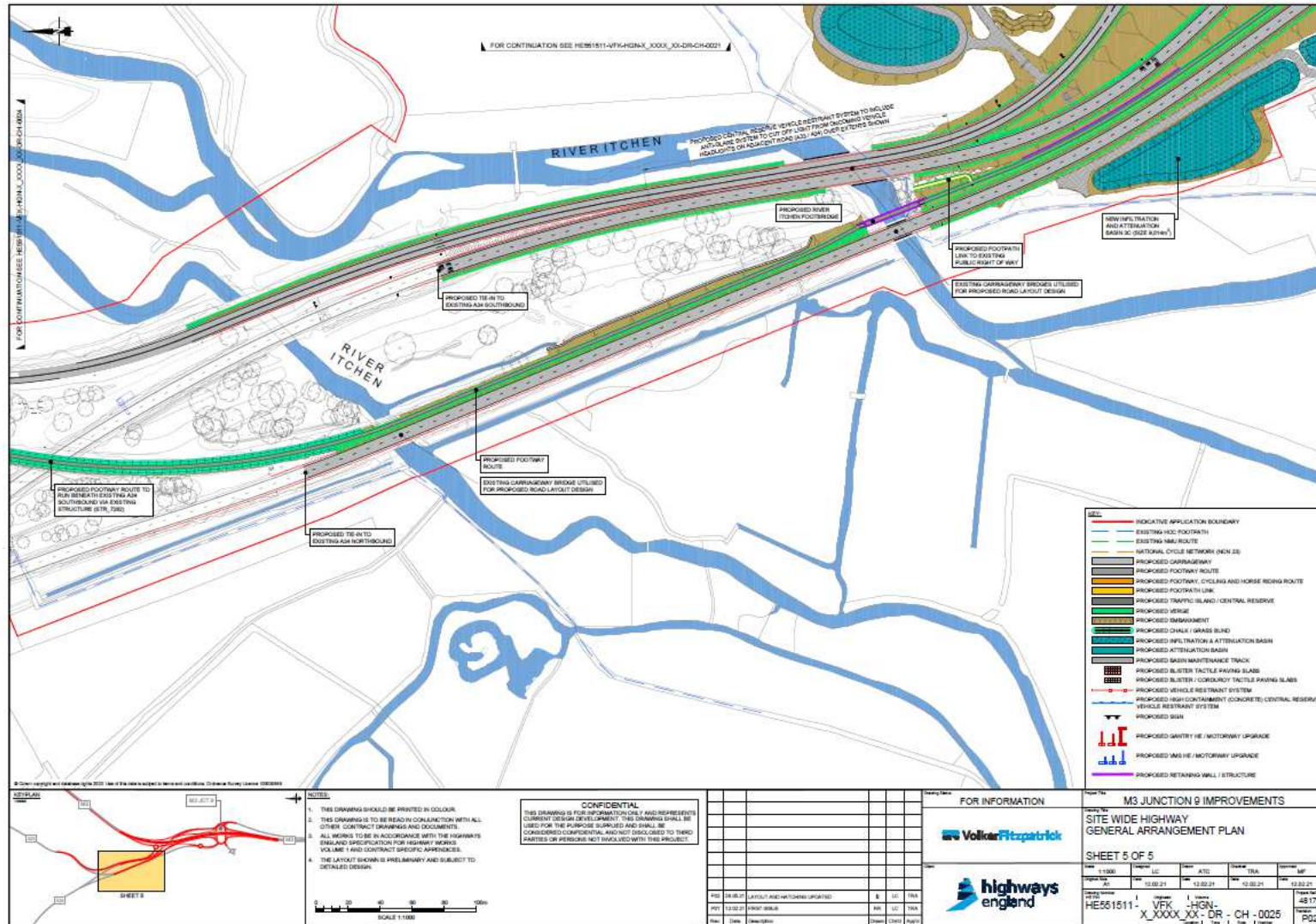
Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire



Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire



# Regional Investment Programme

## M3 Junction 9 Improvements

### PCF Stage 3b – Stage 1 Road Safety Audit Addendum Designers Response

June 2021

HE551511-VFK-HGN-X\_XXXX\_XX-RP-CH-0003

Revision: P03



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Highways England Company Limited registered in England and Wales number 09346363

## Notice

This document and its contents have been prepared and are intended solely for Highway England's information and use in relation to the M3 Junction 9 Improvements PCF Stage 3, one of the schemes of the Regional Investment Programme. Stantec UK Ltd assumes no responsibility to any other party in respect of or arising out of or in connection with this document and/or its contents.

## Document Control

The Project Manager is responsible for production of this document, based on the contributions made by his/her team existing at each Stage.

Document Title	M3 J9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum Designers Response
Author	Douglas Whittaker
Owner	Tim Allen
Distribution	Highways England Consultees, Volker Fitzpatrick, Stantec UK Ltd Team
Document Status	For Comment and Review (S3)

## Revision History

This document is updated at least every stage.

Version	Date	Description	Author
P01	23.06.21	For Review and Comment (S3)	Douglas Whittaker
P02	26.10.21	NH comments added	Douglas Whittaker
P03	29.11.21	Designers' response revised following the re-introduction of the Kingsworthy footway/cycling route. Items 2.2.1 & 2.3.1 amended accordingly	Tim Allen

## Reviewer List

Name	Role
Tim Allen	Highways Coordinator, Stantec
Malcolm Fillingham	Package Design Manager, Stantec
Tony Wake	Package Design Director, Stantec
Bryn Kemp	Road Safety Specialist, Stantec
Stephen Pettifer	Design Manager, Volker Fitzpatrick
Anne-Marie Palmer	Project Manager, Highways England

## Approvals

The Project SRO is accountable for the content of this document



Name	Signature	Title	Date of Issue	Version
Alan Feist		Highways England Project SRO		

## M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum Designers Response

### Project details

<b>Report title:</b> M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum Designers Response
<b>Date:</b> 23 <sup>rd</sup> June 2021
<b>Document reference and revision:</b> HE551511-VFK-HGN-X_XXXX_XX-RP-CH-0003-P03
<b>Prepared by:</b> Stantec UK Ltd
<b>On behalf of:</b> Highways England

### Authorisation sheet

<b>Project:</b> M3 Junction 9 Improvements
<b>Report title:</b> M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum Designers Response
<b>Prepared by:</b>
Name: Douglas Whittaker
Position: Engineer
Signed: 
Organisation: Stantec UK Ltd
Date: 23.06.21
<b>Approved by:</b>
Name: Tim Allen
Position: Associate
Signed: 
Organisation: Stantec UK Ltd
Date: 23.06.21

### Introduction

The scheme is located in South East England within the county of Hampshire. The existing M3 Junction 9 is a grade separated, partially signalised gyratory roundabout connecting multiple nationally and locally significant routes; key strategic interchange which connects South Hampshire and the ports of Southampton and Portsmouth with the wider sub region. It also connects the region to London, the north-west via the M3, the Midlands and the North via the A34. To the north of the junction, circa 1 km is the A33 from Basingstoke which connects to the A34 and approximately 1 km to the south of the junction the A31 from Alton links up with the A272 which joins the M3. The scheme consists of the following design elements:

- Construction of two free-flow links between A34 – M3 south bound and M3 to A34 North bound.
- Construct overbridge above A33 to link M3 to A34 Northbound
- Replacement of existing gyratory over the junction to accommodate the revised traffic flows which incorporates new bridge connections over the M3 with cycling, walking and horse-riding facilities provided on the southern section.
- Local accessibility and connectivity improvements on local roads
- Place 4 additional lanes through the junction
- 4 improved slip roads to Junction 9
- 1 new underpass under the M3 for A34 southbound.
- New footbridge over the River Itchen to accommodate the new pedestrian route
- 3 New subways to link the pedestrian routes New free flow grade separated links which ease traffic between the M3 to and from Southampton and the A34 to and from Basingstoke and Newbury.
- Widening of the M3 between the south facing roundabout slip roads and new free flow links from a two-lane motorway with a hard shoulder to a four-lane motorway with hardstrips.
- New walking, cycling and horse-riding routes through the junction proving a grade separated route between the South Downs National Park (SDNP), Winnall and Abbots Worthy.

This designer's response to the Stage 1 Road Safety Audit has been prepared by Lee Cuddington (Principal Engineer), Alan Champion (Principal Engineer) at Stantec UK Ltd who has led the preliminary design of the scheme. This document forms part of the Highways England PCF Road Safety Audit product requirement.

**Key personnel**


<b>Overseeing Organisation:</b> Highways England
<b>RSA team:</b> TMS Consultancy (Audit Team Leader: Harminder Aulak – BSc (Hons), IEng, FIHE, RegRSA (IHE), Highways England Approved RSA Certificate of Competency – Technical Director – Engineering Services, TMS Consultancy. Audit Team Member: Lee Williams - BSc (Hons), MIHE, Highways England Approved RSA Certificate of Competency – Principal Engineer, TMS Consultancy
<b>Design organisation:</b> Stantec

**Road safety audit decision log**


RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
2.1.1	<p><b>Location:</b> Entry onto gyratory from the M3 southbound off-slip road</p> <p><b>Summary:</b> Risk of entry versus circulatory type collisions due to low entry angle.</p> <p>The entry angle appears low from the nearside lane of the slip-road as the entry radius is large. This is likely to place drivers in a merging position where they have to look back over their right shoulder to see circulating vehicles on the gyratory (especially two-wheelers). Entry versus circulatory type collisions could occur as a result if drivers fail to see vehicles approaching from their right</p>	<p>The entry angle should be measured, and geometric amendments made if necessary, to ensure the angle is within the ideal range of 30° to 40°.</p>	<p><b>Recommendation: Accepted</b></p> <p>The current design entry angle = 35 degrees, therefore the design is inside the ideal 30-40 range and no changes are required.</p>	<p>Design Organisations response is accepted and agreed at this stage.</p>	<p>In line with RSA recommendation and designer's response</p>
2.1.2	<p><b>Location:</b> Entry onto gyratory from the M3 southbound off-slip road.</p> <p><b>Summary:</b> Risk of collisions at roundabout entry if entry path curvature is too high.</p> <p>It was not possible to accurately measure the entry path curvature (EPC) at the entry to the gyratory. However, the EPC could be too high due to the large entry radius. A high EPC value could lead to vehicles entering the gyratory at high speed and colliding with circulating vehicles.</p>	<p>The EPC at the entry should be checked and geometric amendments made if necessary, to ensure the value does not exceed 100m.</p>	<p><b>Recommendation: Accepted</b></p> <p>The current design curvature exceeds 100m. Based on the recommendation, the scheme design will be revised to incorporate the guidance as set out in CD 116.</p>	<p>The Designer Organisations response is accepted at this stage and will be further reviewed and developed during the detailed design Stage 5 as noted in accordance with CD116.</p>	<p>In line with RSA recommendation and designer's response</p>
2.1.3	<p><b>Location:</b> M3 southbound off-slip road approach to gyratory</p> <p><b>Summary:</b> Risk of side swipe type collisions if road users make late lane changing manoeuvres.</p> <p>Direction signs 0035 and 0055 are located quite close together and so road users may not have sufficient time to comprehend the information on both the signs in a timely manner. This could lead to collisions (such as side-swipes) if road</p>	<p>Direction sign 0035 should be relocated further south along the slip-road so that there is greater separation between the signs.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>Direction sign 035 is sighted in accordance with design guidance Traffic Signs Manual chapter 7, Appendix E.</p> <p>If the recommendation is accepted, then the sign locations would be outside the current guidance.</p> <p>As this is designed to standard, a risk assessment item to GG 104 will not be prepared for this problem.</p>	<p>Design Organisations response is accepted at this stage. However, it is noted there are ongoing discussions concerning the step change in design speed on the slip road. These will be further reviewed and developed during the detailed design Stage 5.</p>	<p>Review in detail as design progresses in Stage 5.</p>

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
	users make late lane changing manoeuvres within the three lane section of the slip-road.				
2.2.1	<p><b>Location:</b>                      General: whole footway route</p> <p><b>Summary:</b>                      Removal of cycle route could increase danger for cyclists</p> <p>The downgrading of the route from a footway/ cycleway to a footway only will remove a direct link between the two destinations for cyclists. The alternative route would result in a significant detour for cyclists, who may instead choose to cycle along the footway where they could collide with pedestrians. They may also be tempted to cycle within the carriageway where they would be at risk of being hit by vehicles travelling at speed where speed limits are either 40 or 50mph.</p>	<p>The cycleway link should be retained.</p>	<p><b>Recommendation: Not Accepted</b></p> <p>Stantec have been instructed to remove the proposed cycle link from the previous RSA reviewed design at this current stage of the design. However, the recommendation will be passed on to Highways England for further review.</p> <p>It should be noted the footway we are proposing is a significant improvement to current provision. We are presenting our current design as part of the Stage 3 Consultation and public feedback to this consultation will assist in building an understanding of potential future demand.</p> <p>As part of the ongoing development of the scheme's preliminary design and following the public consultation, this has led to the re-introduction and realignment of the footway/cycling route and re-evaluation of the toucan crossing requirements/location. This has made the raised problems relating to the Kingsworthy footway no longer valid.</p> <p><b><u>Refer to RSA1 report &amp; revised designer response for more details</u></b></p>	<p>The Designer Organisations response is accepted at this stage.</p>	<p>In line with designer's response</p>
2.3.1	<p><b>Location:</b>                      Subways at gyratory</p> <p><b>Summary:</b>                      Risk of loss of control incidents involving cyclists</p> <p>Where the width of the subways will be reduced from 4m to 3m, any sudden reduction in the width of the NMU route could be a hazard to cyclists, particularly if the corners of the bridge abutments are positioned close to the edge of the path. Cyclists could lose control if they strike the abutments when travelling downhill towards the subways.</p>	<p>It should be ensured that any reductions in the width of the path are gradual, with the corners of the bridge abutment angled away from the edge of the path.</p>	<p><b>Recommendation: Accepted</b></p> <p>As per the current design shown, the WCH is currently 3m width and the bridge wingwalls already angle away from the abutments. Therefore, there is no sudden change in width and the recommendation already forms part of the design solution.</p> <p>As part of the ongoing development of the scheme's preliminary design and following the public consultation, this has led to the re-introduction and realignment of the footway/cycling route and re-evaluation of the toucan crossing requirements/location. This has made the raised problems relating to the Kingsworthy footway no longer valid.</p> <p><b><u>Refer to RSA1 report &amp; revised designer response for more details</u></b></p>	<p>The Designer Organisations response is accepted at this stage.</p>	<p>In line with designer's response</p>

### Design organisation and Overseeing Organisation statements

<b>On behalf of the design organisation, I certify that:</b>
<b>1) The RSA actions identified in response to the road safety audit problems in this road safety audit have been discussed and agreed with the Overseeing Organisation.</b>
Name: Tim Allen
Signed: 
Position: Associate
Organisation: Stantec
Date: 29.11.21

### Overseeing Organisation statement

<b>On behalf of the Overseeing Organisation I certify that:</b>
<b>1) The RSA actions identified in response to the road safety audit problems in this road safety audit have been discussed and agreed with the design organisation; and</b>
<b>2) The agreed RSA actions will be progressed.</b>
Name: Anne-Marie Palmer
Signed: 
Position: Project Manager
Organisation: National Highways
Date: 23/02/22



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## M3 Junction 9 Improvements, Hampshire

### Road Safety Audit Stage 1 – Addendum#2

on behalf of Highways England

Client: Stantec

**TMS reference no: 17062**

**Date: 13<sup>th</sup> June 2022**



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# M3 Junction 9 Improvements, Hampshire

## Road Safety Audit Stage 1 – Addendum#2

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### 1. Introduction

- 1.1 This report describes an Addendum#2 Stage 1 Road Safety Audit carried out on road improvements at M3 Junction 9 in Hampshire, on behalf of Highways England. The audit was carried out on 7<sup>th</sup> June 2022 in the offices of TMS Consultancy.

A Stage 1 Road Safety Audit on the whole scheme was completed by TMS Consultancy on 9<sup>th</sup> March 2021 (TMS Report No. 16214) and an Addendum#1 Stage 1 Road Safety Audit was carried out on 7<sup>th</sup> June 2021 (TMS Report No. 16380). This Addendum#2 relates to changes to the scheme which are highlighted in paragraph 1.8 of this report.

- 1.2 The audit team members were approved by Anne-Marie Palmer of Highways England and were as follows:

#### **Audit Team Leader**

Harinder Aulak - BSc (Hons), IEng, FIHE, RegRSA (IHE)  
Highways England Approved RSA Certificate of Competency  
Technical Director – Engineering Services, TMS Consultancy

#### **Audit Team Member**

Lee Williams – BSc (Hons), MIHE  
Highways England Approved RSA Certificate of Competency  
Principal Engineer, TMS Consultancy

- 1.3 The audit comprised an examination of the documents listed in **Appendix A**. The Road Safety Audit was undertaken in accordance with the Audit Brief provided and approved by Jon Roose (Highways England) on 27<sup>th</sup> May 2022. The Audit Brief was examined and accepted by the Audit Team on 7<sup>th</sup> June 2022.
- 1.4 The site was visited by the Audit Team on Wednesday 3<sup>rd</sup> March 2021, between 13:00 and 15:00hrs, as part of the initial Stage 1 audit on the scheme. The weather was cloudy with rain showers. Traffic flows were moderate and free-flowing with little congestion. Pedestrian and cycle flows were low.

- 1.5 The terms of reference of the Road Safety Audit are as described in GG 119. The team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the design to any other criteria.
- 1.6 All of the problems described in this report are considered by the audit team to require action in order to improve the safety of the scheme and minimise collision occurrence.
- 1.7 Scheme drawings are included in **Appendix B**, where the locations of specific problems are referenced. A location plan of the scheme is also included in this Appendix.
- 1.8 Previously, the scheme tied into a proposed Smart Motorway Scheme (designed by others) to the south of the Junction 9 gyratory. Following a recent Government announcement, Smart Motorway schemes (referred hereafter within this brief as a Managed Motorway Scheme) have currently been ‘paused’ for an anticipated 5-year review period. As such, revisions have been made to the alignment of the proposed M3 Junction 9 Improvement Scheme to tie the scheme into the existing alignment of the M3 south of the junction. The scheme details remain as per the previous Stage 1 Road Safety Audit Brief, albeit the following revisions have been incorporated, due to the omission of the Managed Motorway Scheme:
  - i. In the northbound direction, the existing M3 carriageway on the approach to Junction 9, flares from three lanes into four lanes. Revisions to the existing signage on the northbound approach to the Junction 9 layout are proposed. The existing four running lanes will be reconfigured with the two proposed northbound A34 lanes passing under junction 9 alongside the two M3 lanes after which they will bifurcate from the M3 to form the new A34 northbound link with the remaining two offside lanes carrying on north as the M3.
  - ii. In the southbound direction, traffic joining the M3 Southbound carriageway via Junction 9 will do so via a proposed auxiliary lane merge which will tie-into the existing three running lanes south of the junction.

## **2. Items resulting from this Stage 1 Audit**

After careful consideration of the scheme, no road safety problems have been identified as part of this Addendum#2 Stage 1 Audit.

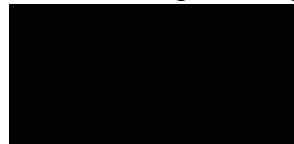
### 3. **Audit Team Statement**

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

#### **Audit Team Leader**

Harminder Aulak - BSc (Hons), IEng, FIHE, RegRSA (IHE)  
Highways England Approved RSA Certificate of Competency  
Technical Director – Engineering Services, TMS Consultancy

Signed



Date 13<sup>th</sup> June 2022

#### **Audit Team Member**

Lee Williams – BSc (Hons), MIHE  
Highways England Approved RSA Certificate of Competency  
Principal Engineer, TMS Consultancy

Signed



Date 13<sup>th</sup> June 2022

#### **TMS Consultancy**

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Coventry, CV3 2TX



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Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire – Addendum#2

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# Appendix A

## Documents Examined (issued on 30.5.2022)



### DOCUMENT REGISTER & ISSUE SHEET

Issuing Office

Issue Sheet No: 1

<input checked="" type="checkbox"/> Reading	<input type="checkbox"/> Bristol	<input type="checkbox"/> Edinburgh	<input type="checkbox"/> Manchester	<input type="checkbox"/> Oxford
<input type="checkbox"/> Ashford	<input type="checkbox"/> Cambridge	<input type="checkbox"/> Glasgow	<input type="checkbox"/> Nottingham	<input type="checkbox"/> Telford
<input type="checkbox"/> Birmingham	<input type="checkbox"/> Leeds	<input type="checkbox"/> London	<input type="checkbox"/> Newcastle	<input type="checkbox"/> Teesside

Job Name: M3 Junction 9  
 Job Number: HES51511 - 48176  
 Brief Name: Site Wide - PCF 23 Submission  
 Contact Name: Tim Allen

Day	10	11	12	16	17	18	19	24	25	29	30	02	03	14	16	16	30	
Month	11	11	11	11	11	11	11	11	11	11	11	12	12	12	03	05	05	05
Year	21	21	21	21	21	21	21	21	21	21	21	21	21	21	22	22	22	22

Size	Title	Number (HE51511-VFK-)	Revision Mark / Suitability Code
<b>Series 0000</b>			
A2	Existing Speed Limit Arrangements	HGN-X_XXXX_XX-SR-CH-0001	P03
A2	Proposed Speed Limit Arrangements	HGN-X_XXXX_XX-SR-CH-0002	P04
A1	Proposed Route Protection Plan	HGN-X_XXXX_XX-DR-CX-0001	
A1	Proposed Highway and Land Areas Location Code Diagram	GEN-X_XXXX_XX-DR-CX-0003	P03 P03
A1	General Overview Plan - Proposed Permanent & Temporary Land Take Areas	HGN-X_XXXX_XX-SR-CH-0004	P07
A1	Highway General Arrangement (Sheet 1 of 6)	HGN-X_XXXX_XX-DR-CH-0021	P07
A1	Highway General Arrangement (Sheet 2 of 6)	HGN-X_XXXX_XX-DR-CH-0022	P06
A1	Highway General Arrangement (Sheet 3 of 6)	HGN-X_XXXX_XX-DR-CH-0023	P07
A1	Highway General Arrangement (Sheet 4 of 6)	HGN-X_XXXX_XX-DR-CH-0024	P05
A1	Highway General Arrangement (Sheet 5 of 6)	HGN-X_XXXX_XX-DR-CH-0025	P06
A1	Highway General Arrangement (Sheet 6 of 6)	HGN-X_XXXX_XX-DR-CH-0026	P05
A1	General Overview Layout	HML-X_XXXX_XX-DR-CH-0101	
A1	Typical Carriageway Cross Sections (Sheet 1 of 2)	HML-X_XXXX_XX-DE-CH-0001	
A1	Typical Carriageway Cross Sections (Sheet 2 of 2)	HML-X_XXXX_XX-DE-CH-0002	P03
A1	Proposed Electrical Design For Proposed North East Gyrotary Subway	HML-X_XXXX_XX-DE-CH-0003	P03
A1	Proposed Electrical Design For Proposed North West Gyrotary Subway	HML-X_XXXX_XX-DE-CH-0004	
A1	Proposed Electrical Design For Proposed South West Gyrotary Subway	HML-X_XXXX_XX-DE-CH-0005	P01
A1	Proposed Electrical Design For Proposed A34 Northbound Subway	HML-X_XXXX_XX-DE-CH-0006	P01
A1	Proposed Electrical Design For M3 Underpass	HML-X_XXXX_XX-DE-CH-0007	P01
A1	Proposed Electrical Design For A34 Underpass	HML-X_XXXX_XX-DE-CH-0008	P01
A0	Proposed Carriageway Cross Section Clarifications	HML-X_XXXX_XX-DR-CH-0001	
A3	Proposed Typical Cross Section: M3 Southbound Auxiliary Lane Merge	HML-E_M3SB_XX-SR-CH-0003	P01
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 1 of 7)	HGN-E_RNBT_01-DR-CH-0011	P03
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 2 of 7)	HGN-E_RNBT_01-DR-CH-0012	P03
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 3 of 7)	HGN-E_RNBT_01-DR-CH-0013	P03
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 4 of 7)	HGN-E_RNBT_01-DR-CH-0014	P03
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 5 of 7)	HGN-E_RNBT_01-DR-CH-0015	P03
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 6 of 7)	HGN-E_RNBT_01-DR-CH-0016	P03
A1	E_RNBT_01 Swept Path Analysis, Articulated Vehicle (Sheet 7 of 7)	HGN-E_RNBT_01-DR-CH-0017	P03
A2	W_A33X_S1 Swept Path Analysis, Refuse Vehicle	HGN-W_A33X_S1-DR-CH-0011	P02
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 1 of 4)	HGN-W_RNBT_02-DR-CH-0011	P02
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 2 of 4)	HGN-W_RNBT_02-DR-CH-0012	P02
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 3 of 4)	HGN-W_RNBT_02-DR-CH-0013	P02
A2	W_RNBT_02 Swept Path Analysis, Articulated Vehicle (Sheet 4 of 4)	HGN-W_RNBT_02-DR-CH-0014	P02
A2	W_RNBT_03 Swept Path Analysis, Articulated Vehicle (Sheet 1 of 3)	HGN-W_RNBT_03-DR-CH-0011	P02
A2	W_RNBT_03 Swept Path Analysis, Articulated Vehicle (Sheet 2 of 3)	HGN-W_RNBT_03-DR-CH-0012	P02
A2	W_RNBT_03 Swept Path Analysis, Articulated Vehicle (Sheet 3 of 3)	HGN-W_RNBT_03-DR-CH-0013	P02
A1	Proposed Contours (Sheet 1 of 5)	HGN-X_XXXX_XX-DR-CH-0051	P01
A1	Proposed Contours (Sheet 2 of 5)	HGN-X_XXXX_XX-DR-CH-0052	P01
A1	Proposed Contours (Sheet 3 of 5)	HGN-X_XXXX_XX-DR-CH-0053	P01
A1	Proposed Contours (Sheet 4 of 5)	HGN-X_XXXX_XX-DR-CH-0054	P01
A1	Proposed Contours (Sheet 5 of 5)	HGN-X_XXXX_XX-DR-CH-0055	P01
A1	Site wide Alignments and Chainages (Sheet 1 of 5)	HML-X_XXXX_XX-DR-CH-0021	P01
A1	Site wide Alignments and Chainages (Sheet 2 of 5)	HML-X_XXXX_XX-DR-CH-0022	P01
A1	Site wide Alignments and Chainages (Sheet 3 of 5)	HML-X_XXXX_XX-DR-CH-0023	P01
A1	Site wide Alignments and Chainages (Sheet 4 of 5)	HML-X_XXXX_XX-DR-CH-0024	P01
A1	Site wide Alignments and Chainages (Sheet 5 of 5)	HML-X_XXXX_XX-DR-CH-0025	P01
A0	Proposed Carriageway Longsection Clarifications	HML-X_XXXX_XX-DR-CH-0060	
A1	Longsection View on Alignment W_A33X_S1 (Sheet 1 of 2)	HML-W_A33X_S1-DR-CH-0061	P03
A1	Longsection View on Alignment W_A33X_S2 (Sheet 2 of 2)	HML-W_A33X_S2-DR-CH-0062	P03
A1	Longsection View on Alignment W_A33X_S3	HML-W_A33X_S3-DR-CH-0061	P03
A1	Longsection View on Alignment W_A34N_MR	HML-W_A34N_MR-DR-CH-0061	P03
A1	Longsection View on Alignment W_A34N_XX	HML-W_A34N_XX-DR-CH-0061	P03
A1	Longsection View on Alignment X_A34S_XX - Western Side	HML-W_A34S_XX-DR-CH-0061	P03
A2	Longsection View on Alignment W_ESTN_XX	HML-W_ESTN_XX-DR-CH-0061	P03
A2	Longsection View on Alignment W_M3NB_DV	HML-W_M3NB_DV-DR-CH-0061	P03
A1	Longsection View on Alignment W_M3NB_MR	HML-W_M3NB_MR-DR-CH-0061	P03
A1	Longsection View on Alignment W_M3NB_XX (Sheet 1 of 2)	HML-W_M3NB_XX-DR-CH-0061	P03
A1	Longsection View on Alignment W_M3NB_XX (Sheet 2 of 2)	HML-W_M3NB_XX-DR-CH-0062	P03
A1	Longsection View on Alignment W_NMUX_01 (Sheet 1 of 3)	HML-W_NMUX_01-DR-CH-0061	P03
A1	Longsection View on Alignment W_NMUX_01 (Sheet 2 of 3)	HML-W_NMUX_01-DR-CH-0062	P03
A1	Longsection View on Alignment W_NMUX_01 (Sheet 3 of 3)	HML-W_NMUX_01-DR-CH-0063	P01
A1	Longsection View on Alignment W_RNBT_02	HML-W_RNBT_02-DR-CH-0061	P02
A1	Longsection View on Alignment W_RNBT_03	HML-W_RNBT_02-DR-CH-0061	P02
A1	Longsection View on Alignment E_A34S_DV	HML-E_A34S_DV-DR-CH-0061	P04
A1	Longsection View on Alignment X_A34S_XX - Eastern Side	HML-E_A34S_XX-DR-CH-0061	P04
A1	Longsection View on A272 Alignments	HML-E_A272_XX-DR-CH-0061	P04
A1	Longsection View on Alignment E_M3SB_DV	HML-E_M3SB_DV-DR-CH-0061	P03
A1	Longsection View on Alignment E_M3SB_MR	HML-E_M3SB_MR-DR-CH-0061	P03
A1	Longsection View on Alignment E_M3SB_XX (Sheet 1 of 2)	HML-E_M3SB_XX-DR-CH-0061	P03
A1	Longsection View on Alignment E_M3SB_XX (Sheet 2 of 2)	HML-E_M3SB_XX-DR-CH-0062	P03
A1	Longsection View on Alignment E_NMUX_23	HML-E_NMUX_23-DR-CH-0061	P03
A1	Longsection View on Alignment E_RNBT_01	HML-E_RNBT_01-DR-CH-0061	P03
A1	Longsection View on Alignment E_NMUX_01	HML-E_LOS_AXX-DR-CH-0061	P02
A1	Departures and Relaxations From Standards (Sheet 1 of 5)	HAC-X_XXXX_XX-DR-CH-0001	P03
A1	Departures and Relaxations From Standards (Sheet 2 of 5)	HAC-X_XXXX_XX-DR-CH-0002	P03
A1	Departures and Relaxations From Standards (Sheet 3 of 5)	HAC-X_XXXX_XX-DR-CH-0003	P03
A1	Departures and Relaxations From Standards (Sheet 4 of 5)	HAC-X_XXXX_XX-DR-CH-0004	P02
A1	Departures and Relaxations From Standards (Sheet 5 of 5)	HAC-X_XXXX_XX-DR-CH-0005	P02



Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire – Addendum#2

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Item	Description	Code	MP	RR	RR	RR	RR	MP	MP	MP	MP	MP	RR	RR	MP	RR	RR	LC
<b>Series 0300 - Fencing</b>																		
A1	Proposed Fencing Plan (Sheet 1 of 5)	HFE-X_XXXX_XX-DR-CH-0301																
A1	Proposed Fencing Plan (Sheet 2 of 5)	HFE-X_XXXX_XX-DR-CH-0302																
A1	Proposed Fencing Plan (Sheet 3 of 5)	HFE-X_XXXX_XX-DR-CH-0303																P04
A1	Proposed Fencing Plan (Sheet 4 of 5)	HFE-X_XXXX_XX-DR-CH-0304																
A1	Proposed Fencing Plan (Sheet 5 of 5)	HFE-X_XXXX_XX-DR-CH-0305																
<b>Series 0400 - VRS</b>																		
A1	Proposed Vehicle Restraint Systems (Sheet 1 of 5)	HRR-X_XXXX_XX-DR-CH-0401																
A1	Proposed Vehicle Restraint Systems (Sheet 2 of 5)	HRR-X_XXXX_XX-DR-CH-0402																
A1	Proposed Vehicle Restraint Systems (Sheet 3 of 5)	HRR-X_XXXX_XX-DR-CH-0403																P04
A1	Proposed Vehicle Restraint Systems (Sheet 4 of 5)	HRR-X_XXXX_XX-DR-CH-0404																
A1	Proposed Vehicle Restraint Systems (Sheet 5 of 5)	HRR-X_XXXX_XX-DR-CH-0405																
<b>Series 0500 - Drainage</b>																		
A3	Alternative Layout for Drainage Basin 4	HDG-X_XXXX_XX-SK-CD-0506																
A1	Drainage Infiltration Areas and Infiltration Testing Requirements	HDG-X_XXXX_XX-DR-CD-0512											P03					
A1	Drainage Schematic Plan	HDG-X_XXXX_XX-DR-CD-0512											P03					
A1	Catchment Overview Plan	HDG-X_XXXX_XX-DR-CD-0513											P03					
A1	Overflow Catchment Plan	HDG-X_XXXX_XX-DR-CD-0514											P03					
A1	Existing Catchment Overview Plan	HDG-X_XXXX_XX-DR-CD-0515											P03					
A1	Existing Catchment Summary Table	HDG-X_XXXX_XX-DR-CD-0516											P03					
A1	Water Resources Consenting Layout	HDG-X_XXXX_XX-DR-CD-0517											P02					
A1	Traffic spillage control layout	HDG-X_XXXX_XX-DR-CD-0518											P02					
A1	Drainage Network Flood Sensitivity During 40% Climate Change	HDG-X_XXXX_XX-DR-CD-0519											P02					
A1	Drainage Resilience Performance	HDG-X_XXXX_XX-DR-CD-0520											P02					
A2	Drainage Network Resilience Table	HDG-X_XXXX_XX-DR-CD-0521											P02					
A1	Water Resources Consenting Table	HDG-X_XXXX_XX-DR-CD-0522											P02					
<b>Series 0700 - Road Pavements</b>																		
A1	Proposed Pavement Construction - Sheet 1 of 7	HPV-X_XXXX_XX-DR-CH-0701																
A1	Proposed Pavement Construction - Sheet 2 of 7	HPV-X_XXXX_XX-DR-CH-0702																
A1	Proposed Pavement Construction - Sheet 3 of 7	HPV-X_XXXX_XX-DR-CH-0703																P02
A1	Proposed Pavement Construction - Sheet 4 of 7	HPV-X_XXXX_XX-DR-CH-0704																
A1	Proposed Pavement Construction - Sheet 5 of 7	HPV-X_XXXX_XX-DR-CH-0705																
A1	Proposed Pavement Construction, Summary Table - Sheet 6 of 7	HPV-X_XXXX_XX-DR-CH-0706																
A1	Proposed Pavement Construction, Typical Cross Sections - Sheet 7 of 7	HPV-X_XXXX_XX-DR-CH-0707																
<b>Series 1000 - NMU Routes</b>																		
A1	Existing and Proposed Walking, Cycling, and Horse-Riding Routes Arrangement	HGN-X_XXXX_XX-DR-CH-1001												P03				P04
<b>Series 1200 - Signage and Road Markings</b>																		
A1	Proposed Signage Scheme Sitewide Layout (Sheet 1 of 7)	HSN-X_XXXX_XX-DR-CH-1201																
A1	Proposed Signage Scheme Sitewide Layout (Sheet 2 of 7)	HSN-X_XXXX_XX-DR-CH-1202																
A1	Proposed Signage Scheme Sitewide Layout (Sheet 3 of 7)	HSN-X_XXXX_XX-DR-CH-1203																
A1	Proposed Signage Scheme Sitewide Layout (Sheet 4 of 7)	HSN-X_XXXX_XX-DR-CH-1204																P04
A1	Proposed Signage Scheme Sitewide Layout (Sheet 5 of 7)	HSN-X_XXXX_XX-DR-CH-1205																P04
A1	Proposed Signage Scheme Sitewide Layout (Sheet 6 of 7)	HSN-X_XXXX_XX-DR-CH-1206																P04
A1	Proposed Signage Scheme Sitewide Layout (Sheet 7 of 7)	HSN-X_XXXX_XX-DR-CH-1207																
A1	Proposed Signage Scheme, Proposed Sign Faces (Sheet 1 of 4)	HSN-X_XXXX_XX-DR-CH-1231																P04
A1	Proposed Signage Scheme, Proposed Sign Faces (Sheet 2 of 4)	HSN-X_XXXX_XX-DR-CH-1232																P04
A1	Proposed Signage Scheme, Proposed Sign Faces (Sheet 3 of 4)	HSN-X_XXXX_XX-DR-CH-1233																P03
A1	Proposed Signage Scheme, Proposed Sign Faces (Sheet 4 of 4)	HSN-X_XXXX_XX-DR-CH-1234																P03
A2	Proposed Gantry Signage Scheme, Proposed Sign Faces	HSN-X_XXXX_XX-DR-CH-1241																P04
A1	Proposed Signage Scheme, Existing Sign Faces To Remain/Relocated (Sheet 1 of 2)	HSN-X_XXXX_XX-DR-CH-1251																P03
A1	Proposed Signage Scheme, Existing Sign Faces To Remain/Relocated (Sheet 2 of 2)	HSN-X_XXXX_XX-DR-CH-1252																P03
A1	Existing Sign Faces to be Removed Sheet 1 of 3	HSN-X_XXXX_XX-DR-CH-1261																P01
A1	Existing Sign Faces to be Removed Sheet 2 of 3	HSN-X_XXXX_XX-DR-CH-1262																P01
A1	Existing Sign Faces to be Removed Sheet 3 of 3	HSN-X_XXXX_XX-DR-CH-1263																P01
A3	Sign Stantec_0014 Section	HSN-X_XXXX_XX-DR-CH-1271																P01
A3	Sign Stantec_0015 Section	HSN-X_XXXX_XX-DR-CH-1272																P01
A3	Sign Stantec_0006 Section	HSN-X_XXXX_XX-DR-CH-1273																P01
A3	Sign Stantec_0034 Section	HSN-X_XXXX_XX-DR-CH-1274																P01
A3	Sign Stantec_0016 Section	HSN-X_XXXX_XX-DR-CH-1275																P01
A3	Sign Stantec_0035 Section	HSN-X_XXXX_XX-DR-CH-1276																P01
A3	Proposed Sign Section Detail Sign_0083	HSN-X_XXXX_XX-SK-CH-0001																P01
A3	Proposed Sign Section Detail Sign_0084	HSN-X_XXXX_XX-SK-CH-0002																P01
A1	Proposed Road Markings (Sheet 1 of 5)	HMK-X_XXXX_XX-DR-CH-1251																P03
A1	Proposed Road Markings (Sheet 2 of 5)	HMK-X_XXXX_XX-DR-CH-1252																P03
A1	Proposed Road Markings (Sheet 3 of 5)	HMK-X_XXXX_XX-DR-CH-1253																P03
A1	Proposed Road Markings (Sheet 4 of 5)	HMK-X_XXXX_XX-DR-CH-1254																P03
A1	Proposed Road Markings (Sheet 5 of 5)	HMK-X_XXXX_XX-DR-CH-1255																P03
<b>A272 Compound Access Package</b>																		
A1	Proposed A272 Construction Compound Entrance: General Arrangement Plan	HML-E_A272_XX-DR-CH-0101																P01
A1	Proposed A272 Construction Compound Entrance: Vehicle Swept Path Analysis	HML-E_A272_XX-DR-CH-0102																P01
A1	Proposed A272 Relocated Farm Access Vehicle Swept Path Analysis	HML-E_A272_XX-DR-CH-0103																P01
A3	Vehicle Swept Path Analysis for A272 Existing Farm Access	HML-E_A272_XX-SK-CH-0101																P01
<b>General</b>																		
A1	Deposition Area Plan Area 1	VTO-E_B_DA_01-DR-CH-0001																
A1	Sections on Deposition Area 1 (Sheet 1 of 3)	VTO-E_B_DA_01-DR-CH-0002																
A1	Sections on Deposition Area 1 (Sheet 2 of 3)	VTO-E_B_DA_01-DR-CH-0003																
A1	Sections on Deposition Area 1 (Sheet 3 of 3)	VTO-E_B_DA_01-DR-CH-0004																
A1	Central Deposition Area Concept Design	VTO-E_B_DA_01-SK-CH-0001																
A1	Southern Deposition Area Concept Plan	VTO-E_B_DA_02-SK-CH-0001																

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Purpose of Issue	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S3	S2	S3

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S2 = Suitable for Information      S7 = Suitable for AIM Authorisation      D4 = Suitable for Manufacture / Procurement  
S3 = Suitable for Review & Comment      D1 = Suitable for Costing      A1, An = Approved and accepted as stage complete

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Job Name: M3 Junction 9

Job Number: HES51511 - 48176

Brief Name: Site Wide - PCF 23 Submission

Contact Name: Tim Allen

S4 = Suitable for Stage Approval      D2 = Suitable for Tender      B1, Bn = Partially signed off

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10	11	12	16	17	18	19	24	25	29	30	02	03	14	16	16	30
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Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire – Addendum#2

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Item	Reference	Quantity	Unit	Value	Notes
A1 Gabion Retaining Wall Adjacent to NMU & A34N - Long & Typical Section	SRW-W_NMLX_01-DR-CH-0101				
A1 Retaining Wall on M3NB Diverge - Plan & Sections	SRW-W_M3NB_DV-DR-CH-0001				
A1 Retaining Wall on A34NB Merge - Plan & Sections	SRW-W_A34N_MR-DR-CH-0001				
A1 Retaining Wall on M3SB Merge - Plan & Sections	SRW-E_M3SB_MR-DR-CH-0001				
A1 Technology Key	GEN-X_XXXX_XX-DR-EC-0000				P01
A1 Geographical Layout Sheet 1 of 6	GEN-X_XXXX_XX-DR-EC-0001				P01
A1 Geographical Layout Sheet 2 of 6	GEN-X_XXXX_XX-DR-EC-0002				P01
A1 Geographical Layout Sheet 3 of 6	GEN-X_XXXX_XX-DR-EC-0003				P01
A1 Geographical Layout Sheet 4 of 6	GEN-X_XXXX_XX-DR-EC-0004				P01
A1 Geographical Layout Sheet 4 of 6	GEN-X_XXXX_XX-DR-EC-0005				P01
A1 Geographical Layout Sheet 5 of 6	GEN-X_XXXX_XX-DR-EC-0006				P01
A1 Duct Schematic Sheet 1 of 6	GEN-X_XXXX_XX-DR-EC-0101				P01
A1 Duct Schematic Sheet 2 of 6	GEN-X_XXXX_XX-DR-EC-0102				P01
A1 Duct Schematic Sheet 3 of 6	GEN-X_XXXX_XX-DR-EC-0103				P01
A1 Duct Schematic Sheet 4 of 6	GEN-X_XXXX_XX-DR-EC-0104				P01
A1 Duct Schematic Sheet 5 of 6	GEN-X_XXXX_XX-DR-EC-0105				P01
A1 Duct Schematic Sheet 6 of 6	GEN-X_XXXX_XX-DR-EC-0106				P01
A1 Cable Schematic Sheet 1 of 6	GEN-X_XXXX_XX-DR-EC-0201				P01
A1 Cable Schematic Sheet 2 of 6	GEN-X_XXXX_XX-DR-EC-0202				P01
A1 Cable Schematic Sheet 3 of 6	GEN-X_XXXX_XX-DR-EC-0203				P01
A1 Cable Schematic Sheet 4 of 6	GEN-X_XXXX_XX-DR-EC-0204				P01
A1 Cable Schematic Sheet 5 of 6	GEN-X_XXXX_XX-DR-EC-0205				P01
A1 Cable Schematic Sheet 6 of 6	GEN-X_XXXX_XX-DR-EC-0206				P01
A1 Gantry Signalling Schematic Without SMP Gantries	HMC-X_XXXX_XX-DR-EC-0001				P01
<b>Organisation Name</b>	<b>Contact Name</b>	<b>Number of Copies</b>			
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VFK	Stephen Pettifer	U	U	U	U
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SWECO	Stuart Wilson	U	U	U	U

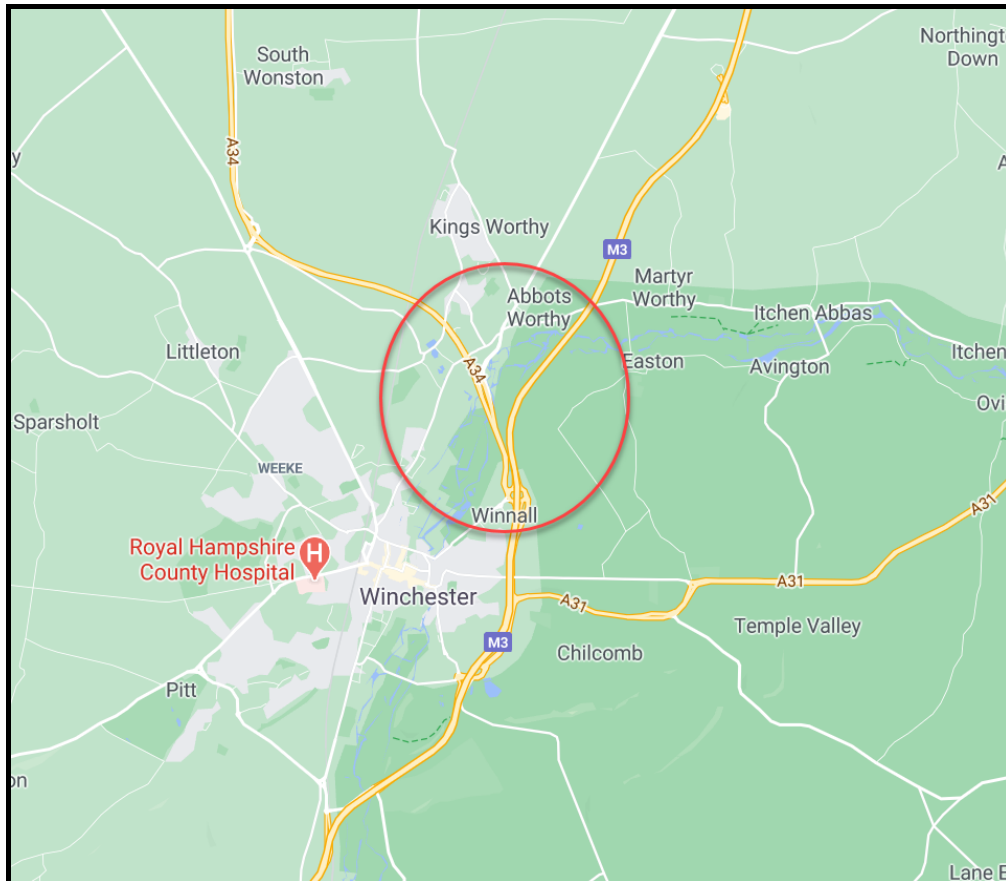
Other information provided:

HE551511-VFK-HGN-X\_XXXX\_XX-RP-CH-0001 - Road Safety Audit Brief

## Appendix B

Please refer to the following pages for plans illustrating the Addendum#2 scheme

The location of the scheme is shown below:



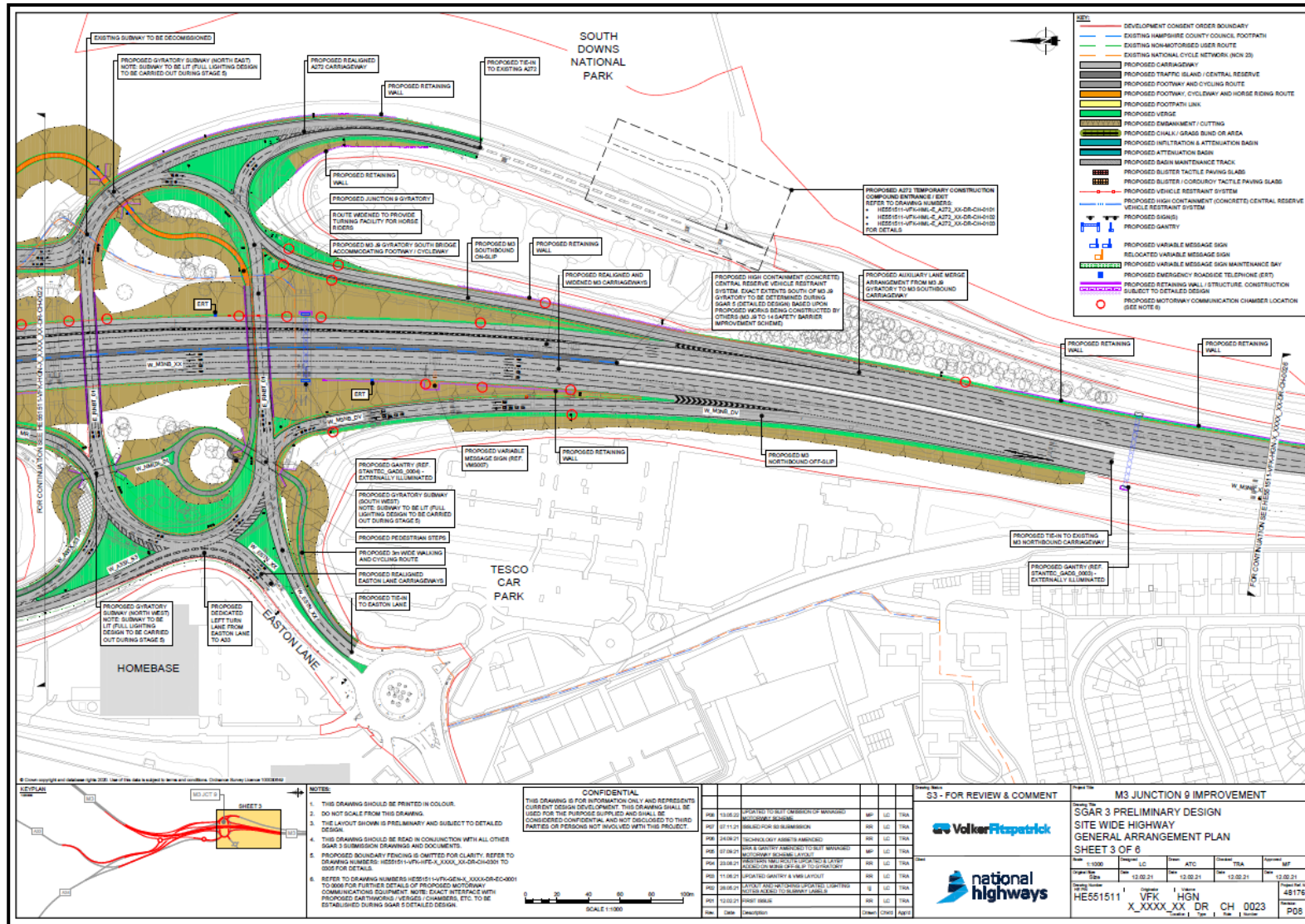




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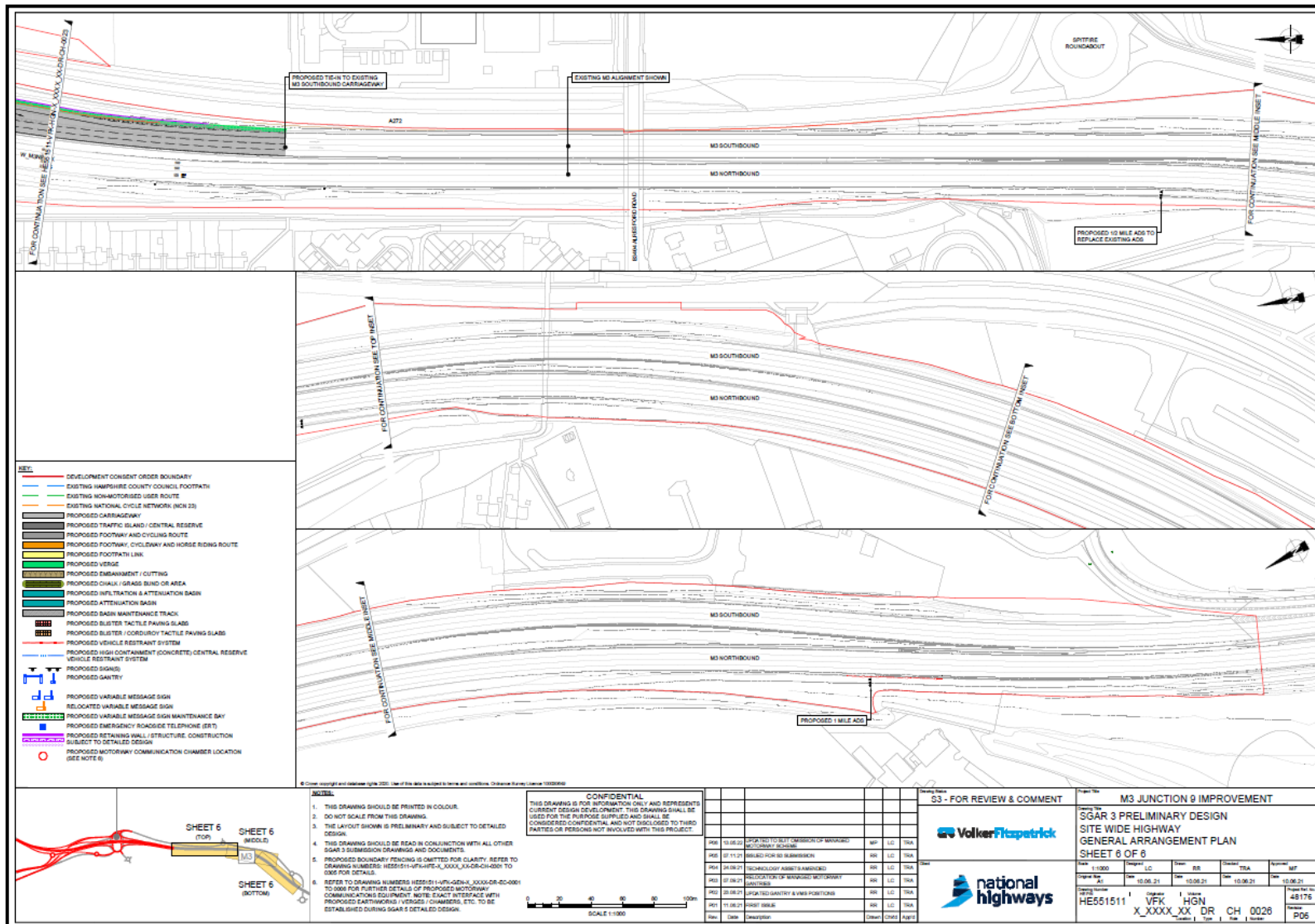
Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire



Client: Stantec

Scheme: M3 Junction 9 Improvements, Hampshire



# Regional Investment Programme

## M3 Junction 9 Improvements

### PCF Stage 3b – Stage 1 Road Safety Audit Addendum # 2 Designers Response

June 2022

HE551511-VFK-HGN-X\_XXXX\_XX-RP-CH-0005

Revision: P01

## Notice

This document and its contents have been prepared and are intended solely for National Highways information and use in relation to the M3 Junction 9 Improvements PCF Stage 3, one of the schemes of the Regional Investment Programme. Stantec UK Ltd assumes no responsibility to any other party in respect of or arising out of or in connection with this document and/or its contents.

## Document Control

The Project Manager is responsible for production of this document, based on the contributions made by his/her team existing at each Stage.

Document Title	M3 J9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum #2 Designers Response
Author	Lee Cuddington
Owner	Tim Allen
Distribution	National Highways Consultees, Volker Fitzpatrick, Stantec UK Ltd Team
Document Status	For Comment and Review (S3)

## Revision History

This document is updated at least every stage.

Version	Date	Description	Author
P01	20.06.22	For Review and Comment (S3)	Lee Cuddington

## Reviewer List

Name	Role
Tim Allen	Highways Coordinator, Stantec
Malcolm Fillingham	Package Design Manager, Stantec
John Owens	Package Design Director, Stantec
Bryn Kemp	Road Safety Specialist, Stantec
Stephen Pettifer	Design Manager, Volker Fitzpatrick
Anne-Marie Palmer	Project Manager, Highways England

## Approvals

The Project SRO is accountable for the content of this document

Name	Signature	Title	Date of Issue	Version
Alan Feist		Highways England Project SRO		

## M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum #2 Designers Response

### Project details

<b>Report title:</b> M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum #2 Designers Response
<b>Date:</b> 20 <sup>th</sup> June 2022
<b>Document reference and revision:</b> HE551511-VFK-HGN-X_XXXX_XX-RP-CH-0005-P01
<b>Prepared by:</b> Stantec UK Ltd
<b>On behalf of:</b> National Highways

### Authorisation sheet

<b>Project:</b> M3 Junction 9 Improvements
<b>Report title:</b> M3 Junction 9 Improvements – PCF Stage 3b - Stage 1 Road Safety Audit Addendum #2 Designers Response
<b>Prepared by:</b>
Name: Lee Cuddington
Position: Principal Engineer
Signed: [Redacted]
Organisation: Stantec UK Ltd
Date: 20.06.22
<b>Approved by:</b>
Name: Tim Allen
Position: Senior Associate
Signed: [Redacted]
Organisation: Stantec UK Ltd
Date: 20.06.22

### Introduction

The scheme is located in South East England within the county of Hampshire. The existing M3 Junction 9 is a grade separated, partially signalised gyratory roundabout connecting multiple nationally and locally significant routes; key strategic interchange which connects South Hampshire and the ports of Southampton and Portsmouth with the wider sub region. It also connects the region to London, the north-west via the M3, the Midlands and the North via the A34. To the north of the junction, circa 1 km is the A33 from Basingstoke which connects to the A34 and approximately 1 km to the south of the junction the A31 from Alton links up with the A272 which joins the M3.

The proposed scheme was subjected to:

- Stage 1 Road Safety Audit, 9<sup>th</sup> March 2021, TMS Reference: 16214.
- Stage 1 Road Safety Audit Addendum, 7<sup>th</sup> June 2021, TMS Reference: 16380.

Following the ministerial statement on 12th January 2022, the government paused the roll out of all new all lane running (ALR) schemes. As the M3 Junction 9 Improvement Scheme tied-in to a new ALR scheme, minor design development has been undertaken. Although the ALR scheme is formally paused, National Highways are planning to upgrade the existing central reservation barrier to concrete, to deliver safety benefits. These works will be known as the M3 Junction 9 to 14 Safety Barrier Improvement Scheme, which will be implemented prior to construction of the M3 Junction 9 Improvement Scheme.

As such, revisions have been made to the alignment of the proposed M3 Junction 9 Improvement Scheme to tie the scheme into the existing alignment of the M3 south of the junction.

This designer's response to the Stage 1 Road Safety Audit Addendum #2 has been prepared by Lee Cuddington (Principal Engineer) Stantec UK Ltd who has led the preliminary design of the scheme.  
This document forms part of the National Highways PCF Road Safety Audit product requirement.


**Key personnel**

<b>Overseeing Organisation:</b> National Highways
<b>RSA team:</b> TMS Consultancy (Audit Team Leader: Harminder Aulak – BSc (Hons), IEng, FIHE, RegRSA (IHE), Highways England Approved RSA Certificate of Competency – Technical Director – Engineering Services, TMS Consultancy. Audit Team Member: Lee Williams - BSc (Hons), MIHE, Highways England Approved RSA Certificate of Competency – Principal Engineer, TMS Consultancy
<b>Design Organisation:</b> Stantec

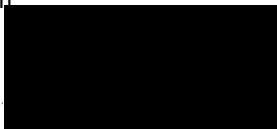
**Road safety audit decision log**

RSA Problem Ref	RSA problem	RSA recommendation	Design Organisation response	Overseeing Organisation response	Agreed RSA action
It is acknowledged by the Design Organisation, that no road safety problems have been identified as part of the Stage 1 Road Safety Audit Addendum #2.					

**Design Organisation and Overseeing Organisation statements**

<b>On behalf of the Design Organisation, I certify that:</b>
<b>1) The Design Organisation acknowledge that the RSA audit has not identified any road safety problems.</b>
Name: Tim Allen
Signed: 
Position: Senior Associate
Organisation: Stantec
Date: 20.06.22

**Overseeing Organisation statement**

<b>On behalf of the Overseeing Organisation I certify that:</b>
<b>1) The RSA response to the road safety audit has been discussed and agreed with the Design Organisation.</b>
Name: Anne-Marie Palmer
Sign 
Position: Project Manager
Organisation: National Highways
Date: 20.06.22