

17 July 2023

The Planning Inspectorate  
National Infrastructure  
Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Dear Madam / Sir,

### **M3 Junction 9 Improvement Scheme – TR010055**

**Reference:** M3J9-EIA064

Upon reflection of the Issue Specific Hearing (ISHI) that took place on 11 July 2023, and to avoid overburdening the Examining Authority (ExA) with written documentation, the SDNPA will not be making any substantial submissions at Deadline 3 (D3). We will be submitting detailed responses and an updated Statement of Common Ground with the Applicant at Deadline 4 (D4). This will enable us to take into account the Applicant's written submissions at D3 and those matters we agreed to discuss further with the Applicant (as raised during ISHI).

However, for D3, we would like to make the following points:

- Applicant's response to ExQ1 (Document Reference: REP2-048)

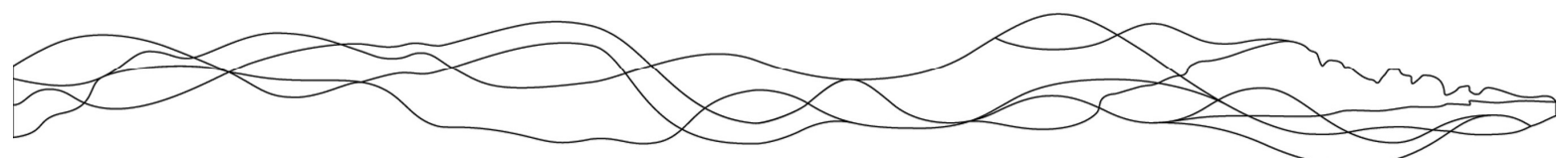
- Q12.1.5

It is the SDNPA's position that the DEFRA Circular does apply to the Applicant (and this scheme) as the proposal is for the significant widening of a road within a National Park.

Our Local Impact Report (LIR), at paragraph 4.12 on page 7, (Document Reference: REP2-071) makes specific reference as to why this circular does apply. The LIR also sets out (together with the SDNPA's Written Representation (WR), document reference REP2-075) why the SDNPA does not agree that the scheme complies with that circular, the National Policy Statement for National Networks (NPSNN) and policy SD3 of the South Downs Local Plan.

- Q12.1.6

Our WR (Document Reference: REP2-075), and in particular paragraphs 3.1.15 – 3.1.25, sets out the reasons why the Secretary of State cannot, currently, be satisfied that the project will be carried out to high environmental standards and sets out measures to enhance the environment.



It is the SDNPA's position that the current proposal does not moderate the significant adverse impacts as required by NPSNN.

○ Q12.1.13

The SDNPA agrees that there would be long-term permanent effects arising from illumination of the PRow underpasses and gantry mounted signage.

We note that the lighting assessment seems to be focused mainly on the permanently lit features within the scheme (the gantries and the lit underpasses) rather than on light from traffic on the newly created slip roads. From Viewpoints 1, 3 and 14, for example, it is the traffic on the newly created slip roads that are most likely to be visible. We await the revised visualisations from Viewpoint 3 to see if the lighting on the gantry on the M3 will also be visible at year 1 and during the winter at year 15.

With regard to the reasons set out in the Applicant's answer as to why they consider the long-term effects to be very small scale, we consider that views from the west, such as Viewpoint 3, are not currently affected by lighting within Winchester and that the permanent change from St Swithun's Way would be greater than 'very small scale'.

○ Q12.1.20 and Q12.1.21

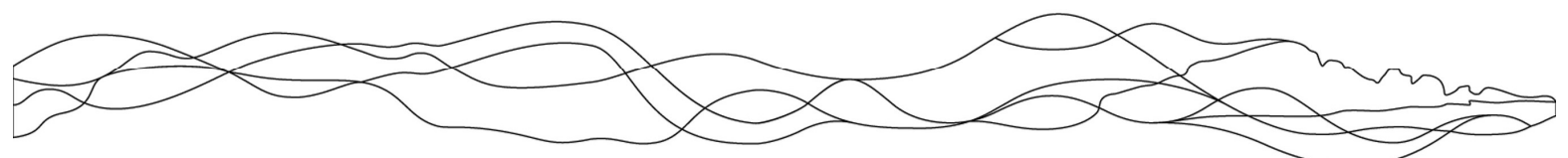
Our WR (Document Reference: REP2-075), and in particular paragraphs 3.1.5 – 3.1.25, sets out the SDNPA's position as to why the scheme does not, currently, comply with NPSNN.

In summary, some of the significant adverse impacts caused are entirely avoidable or impacts could be lessened (examples include relocating the construction compound outside of the National Park and giving greater consideration to the landform proposals to ensure that there is a seamless and appropriate join up with the existing positive characteristics of the Open Downland), there is insufficient mitigation to moderate the harm caused and insufficient enhancements.

Our LIR and WR (Document References: REP2-071 and REP2-075) sets out steps and amendments which could be taken to address some of our concerns and demonstrate compliance with NPSNN (examples include strengthening the DCO requirements to ensure tree planting along the eastern edge of the motorway is no less than 25m in width and that at least half of this planting occurs on top of the cut batter and providing a commitment to 'low noise road surfacing' to existing sections of the M3 (and other roads) within the Order limits).

○ Q12.1.23

It is the SDNPA's position that the effects at Easton Lane (Viewpoint 1) would remain significant even after 15 years as there would be a complete change in landscape character from this viewpoint. We consider that the effect at winter year 15 would be moderate / major adverse. This is due to the need to accommodate two new slip roads and an attenuation basin in this area which will require substantial changes to the



landform. As discussed during ISHI, the proximity of White Hill Cottage creates a 'pinch point' and limits the potential for landscape mitigation.

○ Q12.1.24

DMRB (which is produced by National Highways and other Highway Agencies) does not override the requirements of the NPSNN.

In summary, the policy context provided by the NPSNN is the 'exceptionality' standard. It is the SDNPA's position that in order to prove an exceptional case, the Applicant has to demonstrate an exceptional job with the evidence base.

As heard during ISHI (and as set out in our LIR and WR, document references: REP2-071 and REP2-075), the SDNPA disagrees with the conclusions of the LVIA, the accuracy of the visualisations and the reason given for the lack of an assessment of the scheme for the winter season at Year 15.

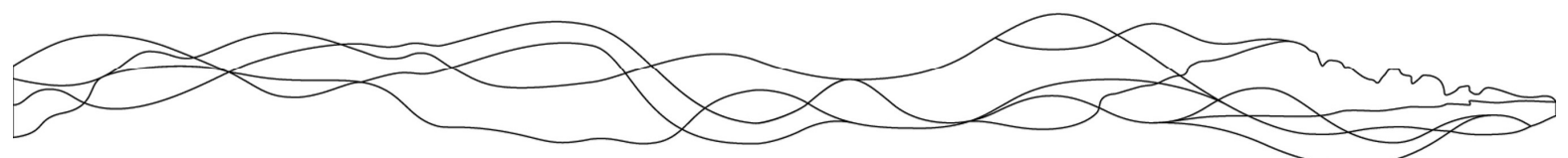
There is no explanation as to how the incursion and expansion of the motorway landscape into the South Downs National Park, which will result in the erosion of intrinsic characteristics such as the downland topography and the loss of trees that cannot be replaced, could be reduced to negligible. We consider there would be a significant residual and permanent adverse effect on the National Park.

The failure to assess the landscape and visual effects for the winter season at Year 15 has also resulted in an underestimation of the effects. Winter effects are as important as summer effects as they last for about half the year and there is no justification for excluding them. We therefore support the ExA's suggestion, made during ISHI, that visualisations for winter at Year 15 are provided.

- During ISHI, the SDNPA and Applicant referred to an updated 'landscape report' (Landscape Review of the M3 Junction 9 Improvement produced by Michelle Bolger on behalf of the SDNPA) that had been shared with the Applicant in early July (the original version was shared with the Applicant back in April). This landscape report was used to form the basis of the SDNPA's submitted Local Impact Report and Written Representation.

As requested during ISHI, the SDNPA is submitting two versions of that landscape report a 'clean' version and a 'track changed' version (highlighting the changes for ease of reference).

This updated landscape report also includes two new figures (Figures 8A and 9A) which have been produced to assist the ExA with regards to the tree removal plan, environmental masterplan and LVIA viewpoints, which were referred to during ISHI. For ease of reference these two new figures (Figures 8A and 9A) have also been submitted as a separate PDF document.

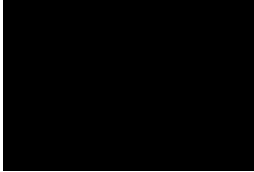


Attendance at Issue Specific Hearings 2 and 3 (ISH2 and ISH3)

Kelly Porter and Nick Grant, on behalf of the SDNPA, will be attending (in person):

- ISH2 topics – DCO, Traffic and Transport and Public Right of Way
- ISH3 topics – Policy and Need

Yours sincerely



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