



# The Planning Inspectorate

## **Application by National Highways for an Order Granting Development Consent for the M3 Junction 9 Improvement Project**

Notification of the date, time, and venue for the Issue Specific Hearing 3 (ISH3) on 8 and 9 August 2023 was provided in the Examining Authority's letter dated 25 May 2023 [PD-007].

### **Detailed Agenda for Issue Specific Hearing 3 (ISH3) – Policy and Need; Climate Change and Greenhouse Gases (GHGs)**

**Date:** Tuesday 8 and Wednesday 9 August 2023

**Arrangements Conference:** 9.30am on each day

Participants must join the Arrangements Conference in order to register and be permitted access to the virtual Issue Specific Hearing.

**Hearing start time:** 10.00am on each day

**Venue:** Mercure Wessex Hotel Winchester, Paternoster Row, Winchester, Hampshire.  
SO23 9LQ

And

Virtual hearing via Microsoft Teams

Full instructions on how to join online or by phone will be sent to parties registered to attend, shortly before the Hearing.

The event will be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date. Interested Parties (IPs) and members of the public who wish to observe the event can therefore view and listen to the Hearing using the livestream, or the recording, after it has concluded.

### **Participation, conduct and management of the Hearing**

The Examining Authority (ExA) has identified the matters to be considered at this ISH, and those on which it requires further information, and these are set out in this agenda. It is intended that the scope of the ISH will be limited to those matters. However, the ExA may wish to raise matters arising from oral submissions and pursue lines of inquiry in the course of the discussions which are not listed on the agenda. The actual agenda on the day including the order of items may be subject to change at the discretion of the ExA.

Oral submissions on other matters or from persons who are not IPs may only be heard at the discretion of the ExA. However, reliance should not be placed upon the exercise of that discretion and attention is drawn to the opportunity for any such submissions to be made in writing by **Deadline 4, 18 August 2023**.

The ExA invites and would particularly like to hear from the following IPs during this Hearing:

- The Applicant;
- Hampshire County Council;
- South Downs National Park Authority;
- Winchester City Council;
- Transport Action Network;
- Winchester Action on the Climate Crisis; and
- Winchester Friends of the Earth.

Those IPs listed above are those from whom the ExA would particularly like to hear from on these topics. By way of clarification, IPs who are not included in that list, but who have specifically requested to speak at this ISH will also be sent a joining link. They are reminded that the ISH will be livestreamed in the usual way.

Participation in the Hearing is subject to the ExA's power to control the Hearing. It is for the ExA to determine how hearings are to be conducted, including the time allowed at the Hearing for the making of a person's representations. IPs may be invited to make oral representations at the Hearing<sup>1</sup> (subject to the ExA's power to control the Hearing<sup>2</sup>), on the specific issues being examined at the event, as set out in this agenda. The Hearing will be managed in the interests of ensuring that the submissions of invited persons are fully heard within the allotted time.

Oral representations should be informed by the Relevant Representations, Written Representations and Local Impact Reports made by the person by whom (or on whose behalf) the oral representations are made.

However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation, and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA will probe, test, and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by a member of the Panel, supported by other Panel members.

All participants are advised that written summaries of their oral submissions at this Hearing should be submitted at **Deadline 4, 18 August 2023**.

The Hearing will run until the ExA is content that all matters on the agenda have been addressed. The ExA may therefore conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to. If there are additional matters to be dealt with or there are submissions that take longer than anticipated, there may be a need to prioritise matters and defer others to written questions.

### **Arrangements Conference**

Invitees attending virtually will receive a joining link or telephone number in a separate e-mail, shortly before the Hearing. Please join the Arrangement Conference at the appointed time for the Hearing. The Case Team will admit you from the Lobby and register your

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<sup>1</sup> Section 91 Planning Act 2008

<sup>2</sup> Section 94 Planning Act 2008

attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

### **About the Hearing relating to Policy and Need; Climate Change and Greenhouse Gases (GHGs)**

The main purpose of this ISH is to undertake an examination of matters relating to Policy and Need and Climate Change and GHGs, and to provide an opportunity for the issues raised by IPs, in particular the differences between them, to be explored further by the ExA.

Relevant applications and other documents to be considered are detailed in **Annex 1**. Please note some references to documents may be very limited but have been included for completeness. References made to page number during ISH3 will relate to electronic version of the documents.

## **Detailed Agenda for Issue Specific Hearing 3 (ISH3)**

### **Policy and Need; Climate Change and GHGs**

#### **1. Welcome, introductions and arrangements for the Hearing**

Reference will be made in Agenda items 2 and 3 to the Applicant's and IP's responses to the ExA's First Written Questions (ExQ1) and relevant submission documents.

#### **2. Policy and Need**

##### **(i) National policy and the need for the Proposed Development**

- The National Policy Statement for National Networks (NPSNN) and the strategic need to improve the National Road Network.
- The need for the Proposed Development in the light of the NPSNN strategic policies including the reasons for seeking the proposed improvements to the existing national road network.
- The ES consideration of alternatives and the scope for meeting the need in some other way.
- The economic and other benefits of the scheme including those in relation to the local economy, improved access to the SDNP and the connectivity of National Cycle Network Route 23.
- The March 2023 NPSNN Consultation Draft and the weight (if any) to be afforded to it.
- The implications of any other recent updates/reviews of relevant planning policy documents and publications including the May 2023 update to the Solent to Midlands Route Strategy.

##### **(ii) Local Plan and other policies**

- The relative weight to be afforded to relevant Local Plan and NPSNN policies.
- Whether the Proposed Development would be in conflict with any Local Plan or Local Transport Plan (LTP) policies having regard to the references to an upgraded J9 within the Local Plan and LTP.
- Other planning policy considerations including the revised National Planning Policy Framework (NPPF).

#### **3. Climate Change and GHG emissions**

##### **(i) Climate change effects and the assessment of GHG emissions**

- The effects of the Proposed Development on climate change during construction and operation with particular regard to carbon emissions and the ability of Government to meet its carbon reduction plan targets.
- The adequacy of the ES assessment of carbon emissions, including cumulative impact, having regard to the judgment of the High Court in the case of *R (Boswell) v Secretary of State for Transport [2023] EWHC 1710 (Admin)*.

**(ii) Climate change proposed mitigation/adaptation measures**

- The effectiveness of the proposed mitigation measures relating to design and construction with particular regard to the need to ensure that the carbon footprint of the scheme would not be unnecessarily high.
- The proposed mitigation/adaptation measures and whether these would ensure that the Proposed Development would be sufficiently resilient against the possible future impacts of climate change.

**4. Any other matters relevant to the agenda**

**5. Close of hearing**

## Annex 1 – Relevant application and other documents to be considered:

Please note some references to documents may be very limited but have been included for completeness. References made to page number during ISH3 will relate to electronic version of the documents.

Examination Library Reference	Document Title
[REP3-018]	First Iteration Environmental Management Plan (Rev 3)
[REP2-051]	Applicant responses to Written Questions
[REP1-019]	National Highways Case for the Scheme (Rev 1)
[REP2-066]	Hampshire County Council Deadline 2 Submission - Local Impact Reports (LIR) from Local Authorities
[REP2-067]	Hampshire County Council Deadline 2 Submission - Responses to ExQ1
[REP2-071]	SDNPA - Local Impact Reports (LIR) from Local Authorities
[REP2-072], [REP2-073]	SDNPA - Responses to ExQ1
[REP2-075]	SDNPA - Written Representations (WRs), including summaries of all WRs exceeding 1500 words
[REP2-083]	WCC - Local Impact Reports (LIR) from Local Authorities
[REP2-084]	WCC - Responses to ExQ1
[REP2-085]	WCC - Written Representations (WRs), including summaries of all WRs exceeding 1500 words
[REP3-003]	National Highways Deadline 2 Submission - 2.3 Works Plans Rev 2
[REP2-005]	National Highways Deadline 2 Submission - 2.6 Engineering Plans and Sections Rev 1
[REP3-020]	National Highways Deadline 3 Submission - 8.6 Applicant Response to Written Summaries of Oral Submissions at Open Floor Hearing 1 (OFH1) (Rev 1)
[REP3-022]	National Highways Deadline 3 Submission - 8.8 Applicant Comments on Written Representations
[REP3-023]	National Highways Deadline 3 Submission - 8.9 Applicant Comments on Local Impact Reports
[REP3-025]	National Highways Deadline 3 Submission - 8.11 Applicant Comments on Deadline 2 submissions
[REP3-027] to [REP3-030]	South Downs National Park Authority Deadline 3 Submission - Comments on responses to ExQ1
[REP3-004]	Draft Development Consent Order (Rev 3)
[APP-020]	Explanatory Memorandum
[REP2-087]	Consents and Agreements Position Statement (Rev 2)
[REP1-028]	National Highways Deadline 1 Submission - 7.13 Transport Assessment Report - Rev 1
[APP-162]	National Highways 7.9 Design and Access Statement
[REP1-038]	Winchester Action on the Climate Crisis Document Index Deadline 1 Submission - Post hearing submissions including written summary of oral submissions at Open Floor Hearing 1 (OFH1)
[REP2-082]	Winchester Action on the Climate Crisis Deadline 2 Submission - Written Representations (WRs)
[REP2-081]	Transport Action Network Deadline 2 Submission - Responses to ExQ1
[REP1-034]	Cycle Winchester Deadline 1 Submission - Post hearing submissions including written summary of oral submissions at Open Floor Hearing 1 (OFH1)

[APP-131]	National Highways Document Index 6.3 Environmental Statement - Appendix 8.2 - Biodiversity Net Gain Assessment Report
[APP-044]	National Highways Environmental Statement - Chapter 3 - Assessment of Alternatives
[REP2-023]	National Highways Deadline 2 Submission - 6.1 Environmental Statement Chapter 5 - Air Quality (Rev 1)
[REP2-027]	National Highways Deadline 2 Submission - 6.1 Environmental Statement Chapter 14 - Climate (Rev2)
[REP2-036]	National Highways Deadline 2 Submission - 6.3 Environmental Statement Appendix 14.1 - Construction GHG Assessment Calculations (Rev 1)
[APP-147]	National Highways Environmental Statement - Appendix 14.2 - Operational Greenhouse Gas Assessment Calculations
[REP2-040]	National Highways Deadline 2 Submission - 7.2 NPS NN Accordance Table (Rev 2)
[REP2-053]	National Highways Deadline 2 Submission - 8.7 Draft National Policy Statement for National Networks Accordance Table