



Application by National Highways for M3 Junction 9 Improvement Scheme
The Examining Authority's 2nd written questions and requests for information (ExQ2)
Issued on 25 August 2023

The following table sets out the Examining Authority's (ExA's) 2nd written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 18 April 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with a number indicating an issue number, for example, 1 = General and Cross-topic Questions, 2 = Agriculture, Geology and Soils; the full list of topics is shown in the index on page 4. The second part of the unique reference is 2 (indicating that it is from ExQ2) and the third part of the reference is a unique number for the question. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact M3Junction9@planninginspectorate.gov.uk and include 'M3 Junction 9 Improvement Scheme' in the subject line of your email.

Responses are due by Deadline 5 : 22 September 2023



Abbreviations used:

AADT	Annual Average Daily Traffic	NPSNN	National Policy Statement for National Networks
CA	Compulsory Acquisition	PA2008	The Planning Act 2008
DCO	Development Consent Order	PCF	Project Controls Framework
EM	Explanatory Memorandum	PRoW	Public Right(s) of Way
ES	Environmental Statement	RR	Relevant Representation
ExA	Examining Authority	SDNP	South Downs National Park
ExQ	Examining Authority Questions	SDNPA	South Downs National Park Authority
fiEMP	First Iteration of Environmental Management Plan	SoCG	Statement of Common Ground
GhG	Greenhouse Gas	SoR	Statement of Reasons
HCC	Hampshire County Council	SoS	Secretary of State
HRA	Habitats Regulations Assessment	PIER	Preliminary Environment Information Report
LIR	Local Impact Report	PM2.5	Particulate matter less than 2.5 micrometres in diameter
LoD	Limits of deviation	SGN	Southern Gas Networks Plc
IP	Interested Parties	SU	Statutory Undertakers
ISH1 (2,3)	Issue Specific Hearing 1 (2 or 3)	tCO₂e	Tonnes (t) of Carbon Dioxide (CO ₂) Equivalent (e)
NPS	National Policy Statement	WCC	Winchester City Council



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library; please note that some of the original application documents have been updated by the Application through the course of the examination and the latest version will be cited which may start with a reference such as 'REP1' or 'REP2' for example. The Examination Library can be obtained from the following link which will be updated as the examination progresses:

[Examination Library](#)

Relevant Representations

References in these questions set out in square brackets and starting with RR (eg [RR-01]) are to Relevant Representations submitted. The Reference can be seen by the following link which will be updated as the examination progresses:

[Relevant Representations](#)

Citation of Questions

Questions in this table should be cited as follows:

Q : issue reference: ExQ reference: question number. For example, Q1.2.1 – refers to question 1 in this table.



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ExQ2	Question to:	Question:
1. General and Cross-topic Questions		
Q1.2.1	Mitigation The Applicant	In light of various comments and concerns from a number of Interested Parties (IP), especially the South Downs National Park Authority (SDNPA) and also in light of well documented landscape and planting failings seen in completed major National Highways schemes, can the applicant comment fully as to whether a longer post construction management plan would be more relevant than the 5 years currently included in the dDCO.
Q1.2.2	General The Applicant	Please provide a plan or set of plans which clearly shows the existing road layout and the proposed scheme, the South Downs National Park (SDNP) and it's boundary and the existing and anticipated highway boundaries. Please highlight and detail the length of carriageway to be constructed within the SDNP and the anticipated change in area of highway land between the existing and proposed highway boundaries within the SDNP.
Q1.2.3	General The Applicant	Please provide detailed engineering cross sections at 20m intervals along string CH-HML-E_M3SB between chainages 3000 and 4300. The cross sections should detail the existing and proposed highway and features and also clearly detail the boundary of the SDNP with sufficient distance measurements to allow the ExA to understand the changes to carriageways and highway boundaries as they impact the SDNP.

2. Agriculture, Geology and Soils		
Q2.2.1	Nitrogen Deposits Natural England, Winchester City Council, South Downs National Park Authority	In ISH2, the question of increased Nitrogen levels in soil was specifically raised. The Applicant has responded to this in their Deadline 4 submission, Applicant written summaries of oral case for Issue Specific Hearing 2 (ISH2) [REP4-035] and in the updated ES Environmental Statement - Appendix 8.3: Assessment of Operational Air Quality Impacts on Biodiversity [REP4-020]. Please provide any comments on this or advise the ExA if you accept the assessment and conclusions provided.

3. Air Quality		
Q3.2.1	PM 2.5 Winchester City Council	At ISH2, it was stated that PM2.5 in Easton Lane has increased in the last year. Please can WCC provide details of PM2.5 readings from their monitoring stations in the city and vicinity of the application boundary for the past 5 year.
Q3.2.2	PM 2.5 The Applicant	Please can the applicant detail why the PM2.5 data which was part of the Preliminary Environment Information Report (PIER) and used as part of the statutory consultation exercise, and referenced by Mr Gadd in his Written Representation [REP1-038] was not shown in the ES as submitted in the application. Please comment on how this data may or may not have contributed to the assessment of PM2.5.
Q3.2.3	PM 2.5 Winchester City Council	At ISH2, WCC stated that they are required to produce an air quality action plan by the end of 2024 which include national and local contributors to air quality, particularly for PM 2.5. Can WCC explain if there are any provisions, monitoring or mitigation that would be appropriate to include in the application in advance of that plan being finalised.

4. Alternatives		
Q4.2.1	Construction Compounds The Applicant	The Deadline 4 response from Thomas Rogers [REP4-048] raises a number of outstanding concerns in relation to the prospect of the R & W Environmental Yard, Four Dells Farm, Winchester being a reasonable alternative to taking additional land from the SDNP to provide a construction compound. (i) Please provide details of any assessment made of this site for that purpose, the reasons for its rejection and an explanation as to why it is not considered to provide a reasonable alternative. (ii) Please clarify the position as to whether this site is already within the Applicant's ownership or control?
Q4.2.2	Construction Compounds The Applicant	The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] Table 3.4 reveals that the sifting process at that stage took into account proximity to the site, utility connections and SDNP. Paragraph 3.13.19 explains the outcome of that stage of the assessment process and states that although the preferred Area A would be sited within the SDNP it has a number of other benefits including very good access and utility connections. (i) Please explain how the relevant criteria were chosen and whether they were given equal weight in the assessment. (ii) Why was the exercise not principally landscape led at all stages and why was greater weight not afforded to the impact on the SDNP in the light of the NPSNN paragraph 5.150 recognition that great weight should be given to conserving landscape and scenic beauty in nationally designated areas?
Q4.2.3	Construction Compounds South Downs National Park Authority	The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraph 3.13.12 recognises that the use of Area A as the construction compound would have a direct impact on the SDNP, but states that the impacts would be temporary for the three-year construction period and the land would be reinstated thereafter. It also points out that Area A is sited immediately adjacent to the M3 Junction 9. Paragraph 3.13.25 points out the further work undertaken after statutory consultation to reduce the impact of the main construction compound at Area A. (i) Given those various factors, please clarify the degree of harm that in your view would result to the SDNP through the temporary use of this area. (ii) Have you any outstanding concerns in relation to the proposed reinstatement works and the provision of advance planting in this location. (iii) Are there any other mitigation measures that could be provided that you consider would ameliorate the harm that would result to the SDNP.
Q4.2.4	Construction Compounds The Applicant	The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraph 3.13.25 indicates that further work was undertaken after statutory consultation. The exercise was principally landscape led and resulted in, amongst other things, the addition of advanced planting to screen the haul road to the main construction compound from the Spitfire Link from the wider SDNP.

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		<p>(i) Please identify the locations of this advanced planting and explain when it is intended to be provided and how it would be secured through the draft DCO.</p> <p>(ii) Is there scope for the provision of any further areas of advance planting in this location that would serve to mitigate any adverse visual impact?</p>
Q4.2.5	Construction Compounds The Applicant	The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraph 3.13.3 states that a compound to the north of the scheme at Christmas Hill (located outside the SDNP) was considered in earlier iterations of the scheme but this was reconsidered when all aspects of the scheme were reviewed by the newly appointed contractor. Please provide further details as to why this was the case and the nature of the concerns raised by the new contractor in relation to the use of that compound for the scheme.
Q4.2.6	Construction Compounds The Applicant	<p>The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraph 3.13.19 refers to the fact that as part of the consideration of Badger Farm in May 2023, a sensitivity check was undertaken to review whether any other land parcels outside the South M3 Junction 9 Improvement project were now available, but no new 3ha land parcels were identified during this survey.</p> <p>(i) Please explain the review process in relation to other 3ha land parcels considered, the area under review and the criteria utilised.</p> <p>(ii) Please identify any other land parcels that were considered as part of this review.</p>
Q4.2.7	Construction Compounds The Applicant	<p>The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraphs 3.13.27 and 3.13.30 explain that since the cancellation of the Smart Motorway Programme by the Government in April 2023, that included the All Lane Running (ALR) M3 Junction 9 to 14 upgrades, the Badger Farm site is currently being utilised as a construction compound for the M3 Junction 9 to 14 Safety Barrier Improvement Scheme. However, it is expected to become available for occupation from October 2023.</p> <p>(i) Please explain why this site was chosen and considered suitable for the Smart Motorway scheme.</p> <p>(ii) Given that it is currently being utilised for the M3 Junction 9 to 14 Safety Barrier Improvement Scheme, please explain the different considerations that apply in relation to its use for M3/J9 scheme?</p> <p>(iii) If land within the SDNP was not available would the Badger Farm site provide a practicable, suitable, and obvious alternative?</p> <p>(iv) Please provide details of the proximity of the Badger Farm site to construction site for the Smart Motorway scheme compared to the M3/J9 site.</p>
Q4.2.8	Construction Compounds The Applicant	The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] Table 3.5 indicates that the Badger Farm site performs well against the criteria of accessibility, utility connections and the SDNP. It only performs poorly in relation to its proximity to the construction site as it is located 6km from the central site. Paragraphs 3.13.33 and 3.13.34 provide further details in relation to transportation issues.

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		<p>(i) Please explain why this site would require the transportation of certain construction equipment to the construction area using low loaders.</p> <p>(ii) What types of construction equipment would require transportation in this way and how has the average of 30 low loader movements each day, each way, on the road network resulting from the use of the Badgers Farm site been calculated.</p> <p>(iii) What would be the frequency of any additional staff journeys and welfare trips and why would these be necessary.</p> <p>(iv) Why would this not be required for the Area A site and how are these issues currently accommodated for the M3 Junction 9 to 14 Safety Barrier Improvement Scheme?</p>
Q4.2.9	Construction Compounds The Applicant	<p>The Applicant's written summary of oral submissions for ISH1 [REP4-008] states that the Applicant's contractor will also have to consider the health and safety of its workers, thus requiring welfare units at the construction compound. This is stated to be necessary as workers will be working in wet conditions and will need an area to ensure that they can leave the site clean and dry.</p> <p>(i) Given the distance between the construction site and the Badgers Farm site and the anticipated travel time between the two, please explain in further detail why it would not be acceptable to transport workers to an offsite welfare facility on that site.</p> <p>(ii) Please provide further justification for the assertion that the construction compound needs to be within the red line boundary of the scheme, and it cannot be located anywhere but within the SDNP.</p>
Q4.2.10	Construction Compounds The Applicant	<p>The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraph 3.13.35 states that Area A would also provide welfare facilities for the eastern part of the site, as part of the main construction compound. Please explain why, in the event that the main construction compound was not sited at Area A, location welfare facilities would still be required to be provided on the eastern part of the site. What is the extent of the area that would be required for this purpose and why would it need to be in the position sought?</p>
Q4.2.11	Construction Compounds The Applicant	<p>The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] paragraph 3.13.32 states that the distance between Badger Farm and the central site will incur increased costs compared to Area A and will also cause an adverse impact on productivity due to increased travel time. Paragraph 3.13.34 also makes reference to Area A resulting in less disruption to the existing road network</p> <p>(i) Has any assessment been made of the increased costs, impact on productivity and level of disruption to the existing road network that would result. If so, please provide details.</p> <p>(ii) Please indicate the weight that was attached to these factors in reaching the review conclusion set out in paragraph 3.13.36.</p> <p>(iii) Please provide a comparison of the anticipated cost and carbon savings that Area A would achieve compared to Badger Farm in the context of the overall cost and carbon emissions of the scheme.</p>
Q4.2.12	Construction Compounds	<p>The ES Chapter 3 Assessment of Alternatives (Rev1) submitted at Deadline 4 [REP4-008] provides an assessment of the Badger Farm site which is not located within any environmentally designated site to</p>

	South Downs National Park Authority	determine its suitability as a construction compound. This assessment has been undertaken against the criteria outlined in paragraphs 3.13.6 to 3.13.17. Please comment on the assessment that has been undertaken and indicate whether you agree with the conclusion that Area A remains the preferred option for the main construction compound compared to the Badger Farm site and the necessity of a location within the SDNP.
Q4.2.13	Construction Compounds The Applicant	The Applicant's written summaries of oral case for Issue Specific Hearing 3 (ISH3) – Appendix A [REP4-036] provides further information regarding alternatives. As requested, this includes a note on the relevance of the specific judgment of <i>R (on the application of Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport (“Stonehenge”)</i> and its application of common law principles relating to the consideration of alternatives. The Applicant asserts that the micro-siting of the scheme or the alternatives assessment of the scheme in the context of a road based scheme has not been challenged to date and has been considered adequate by the local planning authorities. However, does the <i>Stonehenge</i> judgment have any relevance to the siting of different aspects of the scheme such as the location of the main construction compound and the consideration of the Badger Farm site?
Q4.2.14	Modal Alternatives The Applicant	The Applicant Written Summary of Oral Case for ISH3 [REP4-036] Appendix A at section 1.3 explains the Applicant's assessment of viable modal alternatives. The NPSNN paragraph 4.27 test is set out including bullet point three. Whilst the NPSNN does not, as a matter of policy, require the ExA to reconsider the proportionate option consideration of alternatives it must be satisfied that this assessment has been undertaken. Appendix A states that other modal alternatives were considered and appraised during National Highways Project Control Framework (PCF) 'Options Phase'. (i) Whilst paragraph 1.3.4 again confirms that the Department for Transport would have considered alternative modes of transport before including the scheme within RIS, please indicate the basis for that conclusion. Does the Applicant know whether this was done or has that been assumed to be the case as it is required to be done in all cases. (ii) If the latter, please explain why that represents a reasonable assumption to make and the reliance that can be placed upon it, together with the consideration of modal alternatives post RIS at PCF Stage 0, to be satisfied that an appropriate assessment of the viable modal alternatives to the scheme in accordance with paragraph 4.27 of the NPSNN has been carried out. (iii) how alternatives were reported to decision makers to result in their exclusion from further consideration
Q4.2.15	Modal Alternatives The Applicant	The Applicant's Written Summary of Oral Case for ISH3 [REP4-036] Appendix A at section 1.3.16 comments on the relevance of the <i>Stonehenge</i> judgment in relation to the consideration of modal alternatives. Please explain further, in the light of the submissions on this topic made by various IPs why the consideration of modal alternatives should not be considered an “ <i>obvious material consideration</i> ”.
Q4.2.16	Modal Alternatives The Applicant	The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] in relation to Modal alternatives including the possibility of investing in a rail-freight based scheme submits that the decision

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		not to opt for a rail freight option appears to be contrary to Solent to Midlands Route National Highways policy for the Solent to the Midlands corridor including Objective D. Please comment on the consistency or otherwise of the scheme with this aspect of policy and the weight to be attached to that factor.
Q4.2.17	Modal Alternatives The Applicant	The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] in relation to Modal alternatives is critical of the information provided in relation to the consideration of such alternatives including the reference to appraisal of rail-freight-based alternative schemes National Highways Project Control Framework (PCF) Stages 0. Please respond to the criticism that it has not been shown that a meaningful appraisal of a rail freight option at Stage 0 was carried out and that rejection of the option would have been inappropriate in policy terms.
Q4.2.18	Appraisal of Alternatives The Applicant	Please explain why, during appraisal of alternatives, it was not a key scheme requirement to minimise the impact and encroachment into the SDNP. Please also comment on why in paragraph 4.6.1 of the Stage 1 Technical Appraisal Report [APP-080] the SDNP was only referenced along with other environmental designations as a 'constraint'. (please note that the hyperlinks within the Technical Appraisal report have expired therefore it is not possible to access the detailed reports in paragraph 1.3.1 which may give more detail)

5. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
Q5.2.1	Wider Enhancements The Applicant	Can further explanation be given as to why the use of 'Designated Funds' to enhance the application cannot be considered to be included in the DCO and if there is clear guidance from DfT or National Highways regarding this. If there is a legal explanation, please detail this including any case law that is relevant.
Q5.2.2	Wider Enhancements The Applicant	At ISH3, IPs suggested that the provision of enhancements could potentially be achieved by means of contributing funds to local wildlife groups already working within the SDNP and surrounding area. This was rejected by the Applicant on the grounds amongst other things that it was unnecessary and could result in the need to exercise powers of CA outside of the Order Land. However, provided that the groups are already operating on the land in question and have permission to do so from the landowners, please explain why this would involve CA and provide further explanation as to why such enhancement measures could not or need not be provided in connection with the application.
Q5.2.3	Surveys The Applicant	Can an update be provided to inform the ExA of the latest position regarding the submission of further wildlife survey information, in particular relating to dormice, birds and badgers.
Q5.2.4	Habitat Regulations Assessment Natural England	Please update the ExA on progress with ongoing discussions regarding the HRA outcomes that were detailed in Natural England's response ExQ question Q5.1.22 [REP2-069] and if the updated Appendix 8.3 (Assessment of Operation Air Quality Impacts on Biodiversity) submitted at Deadline 4 addresses remaining issues.

6. Climate Change and Resilience		
Q6.2.1	Carbon Plan(s) The Applicant	During ISH3, the Applicant detailed the intention to produce a Carbon Reduction Plan. In their response to Deadline 4, the applicant signposted Appendix A of the Applicant Comments on Deadline 3 submissions [REP4-037] to a 'Carbon Budget Delivery Plan'. Please confirm if this is in addition to a 'Carbon Reduction Plan' as discussed at ISH3. Please provide further information to allow a clear understanding of how recording and reporting on carbon savings will lead to targeted reduction in carbon emissions and GHGs from construction. For example, please detail any proposed performance indicators or contractual obligations for the supply chain that will ensure all reasonable measure can and will be undertaken.
Q6.2.2	Carbon Plan(s) The Applicant	The Applicant's Written Summaries of Oral Case for ISH3 [REP4-036] confirms that as part of its corporate procedures it would prepare an internal Carbon Management Plan which will seek to find opportunities for material types, quantities, and design modifications in detailed design to ensure that carbon is part of the decision-making process during design as well as construction phases. However, it would seem that such commitments to reduce carbon would not be secured through the draft DCO? In those circumstances, what, if any, weight should be attached to these commitments
Q6.2.3	Carbon Plan(s) Winchester City Council, Hampshire County Council, South Downs National Park Authority	Please comment on the applicants proposed 'Carbon Budget Delivery Plan' shown in their response to Deadline 4, in Appendix A of the Applicant Comments on Deadline 3 submissions [REP4-037].
Q6.2.4	Carbon Action Plan Winchester City Council	Please confirm that it is agreed that the Winchester Carbon Neutrality Action Plan is not applicable to the scheme given that it states that the scope of the Action Plan will exclude motorways as these are national infrastructure and will require a national response. If that is not agreed, please explain why you consider it to be a relevant and important consideration
Q6.2.5	Construction impact The Applicant	In response to ExQ Q17.1.5 [REP2-051], the applicant provided details of potential waste disposal sites and distances to travel to them from the construction site. Please explain how this relates to the assessment of carbon emission during construction and what assessment of number of vehicles miles/kilometres was used.
Q6.2.6	Construction impact The Applicant	Winchester Action on Climate Crisis [REP2-082] submits that the Proposed Development would unnecessarily involve too much demolition of reusable infrastructure. For example, it is suggested that the central M3 Junction 9 roundabout could be adapted to the revised traffic flow rather than demolished and rebuilt. Please clarify the Applicant's position in relation to this and explain why the

		current scheme has been preferred rather than an adaptation of the existing infrastructure that would not involve demolition
Q6.2.7	Climate Change The Applicant	<p>The Applicant's Written Summaries of Oral Case for ISH3 [REP4-036] refers to the Response to the RR-096 [REP1-031]. This provides a table to indicate where IEMA assessment principles are addressed within the ES Chapter 14. The Applicant states that the response assesses the scheme under the IEMA guidance (IEMA, 2022), concluding that the scheme is considered to have a minor adverse and not significant effect.</p> <p>(i) Please direct the ExA to where this is specifically set out in the Response to the RR-096. Has the Applicant carried out such an IEMA assessment to achieve that finding or instead sought to identify where the principles have been applied in the ES?</p> <p>(ii) Please comment on Dr Boswell's conclusion in his written representation [REP4-041] that since he considers that the project undermines securing the CBDP and the net zero target, it falls to be assessed as "Major Adverse" on the IEMA significance thresholds.</p>
Q6.2.8	Climate Change Winchester City Council	The SoCG between the Applicant and WCC [REP4-030] indicates that for the topic of Climate Change with the exception of one item, all the other issues remain under discussion. Please indicate which, if any, of these matters is anticipated to be resolved and agreed before the close of the Examination
Q6.2.9	Climate Change Winchester City Council	<p>The WCC position is that the increase in emissions of 160,624,500 tCO₂e over the 60 year lifespan is significant and the scheme must be designed to be carbon neutral as a minimum to meet both the WCC's policies but also those of the Climate Change Act 2008.</p> <p>(i) Please explain further how you have assessed the increase in emissions to be significant and what comparative have you used to make that assessment.</p> <p>(ii) Please clarify the level of emissions you would regard as not being significant and explain why you consider that to be the case.</p> <p>(iii) Do you consider that the increase in submissions would be significant in the NPSNN paragraph 5.18 sense in that they would have a material impact on the ability of Government to meet its carbon reduction targets. If so, please explain why you consider that to be the case.</p>
Q6.2.10	Climate Change Winchester City Council	<p>In the SoCG between the Applicant and WCC [REP4-030] the WCC position is that the scheme must be redesigned to be carbon neutral as a minimum, if necessary, using mitigation or offsetting to achieve this.</p> <p>(i) Please outline the further details that you seek in relation to mitigation and offsetting and what are your proposals for further mitigation and/or Carbon Offsetting Funds that would result in the scheme being carbon neutral.</p> <p>(ii) In relation to the provision of Carbon Offsetting funds, what level if funds are sought and how would that be secured and utilised.</p>

<p>Q6.2.11</p>	<p>Assessment The Applicant</p>	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.2 paragraph 43 states that whilst the traffic model was calibrated at a “Base Year” of 2015, the application does not provide data on the GHG emissions associated with the 2015 calibrated traffic model. Table 2: Baseline with scheme GHG figures does not include 2015 figures either for the baseline or ‘With scheme’. Dr Boswell submits that it is important to see this data as it provides context for the changes since 2015 in the regions traffic, and from other developments in the area.</p> <p>(i) Please explain why those figures were omitted and why it was not considered necessary to include them.</p> <p>(ii) Please provide those figures to complete the picture or explain why you are unable to do so.</p>
<p>Q6.2.12</p>	<p>Assessment The Applicant, Winchester City Council, Dr Boswell</p>	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.5 deals with the issue of the Tyndall carbon budget for WCC which was mentioned at ISH3.</p> <p>(i) Please summarise and clarify your position in relation to the relevance of local carbon budgets to this application?</p> <p>(ii) Please comment on the value of the carbon emissions from the scheme being assessed in the context of the Tyndall Centre budgets, both for WCC and for Hampshire as a whole.</p>
<p>Q6.2.13</p>	<p>Assessment Winchester City Council</p>	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4 includes criticism of the WCC’s significance statement. He does not agree that a significance assessment of “moderate adverse” or “major adverse” can be transmuted to “minor adverse” (and not significant) by “mitigation, offsetting and monitoring measures. His position being that “No amount of mitigation or offsetting is going to bring this assessment down to the level of “minor adverse”.” Please comment upon the criticism made by Dr Boswell in this respect and explain why you consider that such measures would bring the assessment down to the level of “minor adverse”.</p>
<p>Q6.2.14</p>	<p>Assessment The Applicant</p>	<p>The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] makes a number of criticisms of the information provided by the Applicant in support of the application.</p> <p>(i) Please respond in detail to the criticism of the cost:benefit analysis that has been carried out and clearly explain the position in relation to that calculation including the application of any weightings and the potential exclusion of any disbenefits.</p> <p>(ii) Please respond in detail to the criticism of the GHG modelling and its compliance with the guidance in NPSNN and DMRB LA 144 including the appropriate geographic area for consideration and clarifying the scope of the transport emissions modelling and the roads that were taken into account.</p> <p>(iii) In relation to the DM and DS emissions figures for 2027 and 2042, please respond to the criticism that these show that emissions related to this proposal will reduce at only one sixth of the rate required by the Net Zero Growth Plan for transport and that the application poses a serious risk to the whole plan.</p>

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		<p>(iv) Please provide further details of the economic benefits claimed for the scheme including how these have been calculated and a clear explanation as to the weighting given to each item.</p> <p>(v) Please comment on the omission of certain factors such as PM2.5 pollution.</p>
Q6.2.15	<p>Assessment The Applicant</p>	<p>The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] at page 13 submits that the project would fail the risk assessment test posed by the judgement in <i>R (Friends of the Earth) v Secretary of State for Business Energy and Industrial Strategy</i> [2022] EWHC 1841 (Admin). Please respond to this criticism and comment on any implications of that judgment and the Net Zero Growth Plan for this application</p>
Q6.2.16	<p>Assessment The Applicant</p>	<p>The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] in relation to ISH3 Item 3 Climate Change and GHG Emissions: User emissions sets out detailed criticism of the GHG calculations including that are not coterminous with the published traffic modelling area, and as such do not comply with the guidance. Please respond to that criticism and either provide the additional information available on GHG calculations or explain fully why it is not available or unnecessary to do so.</p>
Q6.2.17	<p>Carbon Budget The Applicant</p>	<p>The Climate Emergency Planning and Policy post hearing submissions [REP4-042] Section 5.3 Significance assessment and decision making by the SoS states that the SoS has always made DCO road decisions on the assumption that Net Zero, and/or previous climate budgets and targets, is going to be delivered. Dr Boswell's position is that it is no longer credible, to rely upon the delivery of Net Zero (and the CBDP).</p> <p>(i) Please comment on the reliance that can be made by the SoS in relation to DCO road decisions upon the assumption that Net Zero, and/or climate budgets and targets, are going to be delivered.</p> <p>(ii) Please explain your position in relation to the consideration of the significance of carbon emissions from the scheme, and whether it can be assumed that Net Zero and the CBDP will be delivered.</p> <p>(iii) Please comment on whether it must first be established that the UK carbon budgets and targets are secured before it can be determined whether this scheme would have significant impacts on the ability of the Government to meet its carbon reduction targets</p>
Q6.2.18	<p>Carbon Budget The Applicant</p>	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.3 includes criticism of the NNNPS 5.17 assumption that it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets, given that the NNNPS pre-dates the NZS and the CBDP by seven years and nine years respectively. Please comment on the reliance that can and should be placed upon the NPSNN paragraph 5.17 in relation to the consideration of this application.</p>
Q6.2.19	<p>Carbon Budget The Applicant</p>	<p>The Applicant's Written Summaries of Oral Case for Issue Specific Hearing 3 (ISH3) [REP4-036] in relation to the judgment of the High Court in the case of <i>R (Boswell) v Secretary of State for Transport</i></p>

		<i>[2023] EWHC 1710 (Admin)</i> states that the Applicant considers that it has met the legal tests required of it. Please can you explain further and summarise why you consider that the ES cumulative assessment complies with the EIA Regs and that it was appropriate and lawful to assess the carbon emissions of the scheme against the UK's national carbon budgets rather than in combination with all other schemes in the UK road programme or the local or regional area?
Q6.2.20	Carbon Budget The Applicant	Dr Boswell's written representations in his Post Hearing submissions [REP4-041], paragraph 142 concludes that any additional emissions from new infrastructure, such as the construction and operation emissions of the M3J9 scheme, would have a material impact on the ability of Government to meet its carbon reduction targets, and paragraph 145 states that " <i>as the CBDP is not secured, and the UK carbon budgets and UK NDC are not secured, the Secretary of State must consider if his/her decision would lead to the UK being in breach of its international obligations, to him/her being in breach of a statutory duty, to him/her being in breach of the law under section 104 of the 2008 Act.</i> " (i) Please explain your position in relation to whether the Net Zero Strategy, the CBDP and the UK carbon budgets should be regarded as being secured and the relevance of that question to this particular application. (ii) Please summarise and explain your position in relation to whether one or more of s.104 subsections (4), (5) or (6) would apply should consent be granted for the scheme.
Q6.2.21	Mitigation Dr Boswell	The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4 includes criticism of the WCC's significance statement. Please clarify and explain further your position set out in paragraph 54 that: "No amount of mitigation or offsetting is going to bring this assessment down to the level of "minor adverse"."
Q6.2.22	Mitigation The Applicant	The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4, paragraph 55, states that the applicant appears to have provided no mitigation proposals for operation emissions. Please confirm whether that is the case and explain why no such proposals have been made and/or why it is not considered necessary to do so.
Q6.2.23	Mitigation South Downs National Park Authority	The Applicant's Written Summaries of Oral Case for ISH3 [REP4-036] seeks to respond to SDNPA concerns that the proposed planting is a missed opportunity to provide landscape scale resilience by choosing planting which would also provide air quality mitigation and water retention. (i) Please indicate whether you are now content that the selection of species that is proposed including the selection of low maintenance habitats would provide greater climate resilience. (ii) Have you any outstanding concerns as regards the means whereby the nature of the planting or the management and monitoring would be secured through the fiEMP and hence the draft DCO.

7. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q7.2.1	<p>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</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.12 [REP2-051] indicated that the assessment of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case is demonstrated within various application documents. The response also indicates that 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.</p> <p>(i) Please set out specific para references in the documents listed in the response to 7.1.12 where an assessment 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.</p> <p>(ii) We repeat our question that, If no such exercise has been undertaken, please explain why it is considered unnecessary to do so in this case?</p> <p>(iii) Please provide further details of the Review of the land use and ownership of land that was undertaken in order to consider the impacts of including that land within the Scheme, both in terms of ownership and any business impacts in relation to the individual landowners.</p> <p>(iv) Please confirm that the proportionality tests and review/challenge process to balance the requirement for individual plots against the anticipated impacts was in fact undertaken in respect of each individual plot and explain how this was carried out?</p>
Q7.2.2	<p>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</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.13 [REP2-051] states that the full benefits of the Scheme are provided throughout the Case for the Scheme [APP-154], ES [APP-042 - APP-153] and Combined Modelling and Appraisal Report [APP-163]. For the avoidance of doubt please provide a complete list of all the benefits claimed including those set out in the documents referred to as well as the Statement of Reasons Table 5.1 [REP3-010].</p>
Q7.2.3	<p>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</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.22 [REP2-051], states that 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. The CA Guidance paras 12 and 13 relate to the establishment of a 'compelling case in the public interest' and indicate that for this to be met the SoS must be satisfied that there is compelling evidence that the public benefits that would be derived from the CA will outweigh the private loss that would be suffered by those whose land is to be acquired. Likewise, para 14 makes reference to the private loss suffered by those affected. The response to Q 7.1.22 suggests that no assessment has been made of the degree of importance has been attributed to the existing uses of the land proposed to be acquired on an individual basis in assessing whether any interference would be justified as it does not fall within the categories of land identified in Chapter 7.</p>

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		<p>(i) Please confirm that to be the case notwithstanding the absence of that distinction in the CA Guidance, and explain why that is regarded as a proportionate approach?</p> <p>(ii) How has it been possible to balance public interests against private loss without an assessment of the importance attributed to existing uses?</p>
Q7.2.4	<p>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</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.23 and 7.1.24 [REP2-051] make reference to the fact that 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. (i) Please provide further details of the review that was undertaken including any business impacts identified. (ii) Please indicate what, if any amendments were made following the review of areas to ensure that land take follows existing boundaries/ownerships. (iii) Please provide details of any design changes that arose following the review to ensure that no inaccessible or unworkable areas of land exist post construction of the scheme and identify any such areas that remain.</p>
Q7.2.5	<p>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</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.25 [REP2-051] states that the Applicant has had regard to the requirement in section 122(3) PA2008 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. Whilst there has been a response to the question posed in general terms with reference to Case for the Scheme [APP-154] Statement of Reasons [REP3-010] and Funding Statement [APP-023] without providing para refs, the specific questions posed by the ExA have not been answered. Please do so now in response to this question. If the documents referred to above 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, please provide specific para references where this is revealed.</p>
Q7.2.6	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.14 [REP2-051] indicates that 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. Please indicate whether progress has been made and agreement has been reached with this landowner in relation to the creation of a perimeter around the property. If not, please provide specific details of the relevant plots and why their CA is justified in the light of the private loss. Please also explain why the possibility of using an agreement pursuant to section 253 of the Highways Act 1980 as an alternative to permanent acquisition was rejected.</p>
Q7.2.7	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The Applicant</p>	<p>The Applicant's response to ExQ 7.1.16 [REP2-051] refers to status of negotiations with Affected Persons set out in the updated Annex B of the Statement of Reason [REP3-010] and indicates that the Applicant has concluded that it may not be possible to acquire by agreement all land interests necessary to deliver the scheme within this timescale.</p>

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		<p>(i) Please indicate for which objectors, the Applicant has concluded that it may not be possible to acquire by agreement the land interests necessary to deliver the Scheme within the relevant timescale and why?</p> <p>(ii) For a number of Affected Persons the last entry in Annex B is the S56 notice issued to the party on 30 January 2023. Has there been any further progress or contact taken place since then with those parties?</p>
Q7.2.8	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The Applicant</p>	<p>The ExA’s Rule 8 letter [PD-007] Section 7 Requests for other documents – included a request for Statement of Reasons (SoR) Annex B and C: <i>“The ExA requests that, at the deadlines specified in the Examination Timetable, the Applicant provides as standalone documents an updated Annex B Schedule of all objections made by representation to the granting of compulsory acquisition powers and progress of negotiations with those affected persons and Annex C Schedule of Engagement with Statutory Undertakers. Please include within the standalone Annex B additional columns for the relevant Work No(s) and the relevant DCO articles that would authorise the acquisition of the rights and/or powers sought over the plot. For Appendix C, please include an indication as to whether protective provisions have been agreed and included within the latest version of the draft DCO. A final version of both Annex B and Annex C must be submitted at Deadline 8 on 10 November 2023 before the close of the Examination”.</i></p> <p>Such a request was included for Deadline 2 and Deadline 3. However, the [REP3-010] provided a composite SoR rather than standalone Annexes B and C.</p> <p>(i) Whilst it is noted that this has been corrected for Deadline 4, please ensure that each of these will be provided as separate documents for future deadlines.</p> <p>(ii) Furthermore, Annex B did not include additional columns for the relevant Work No(s) and DCO articles as requested. Please amend Annex B for future deadlines to include those details for each land interest.</p> <p>(iii) For Annex C, not all land interests include reference to the status of protective provisions and whether these have been agreed and included in the latest version of the draft DCO. Please also remedy this aspect.</p>
Q7.2.9	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The Applicant</p>	<p>The Applicant’s response to ExQ 7.1.17 [REP2-051] does not include a response to the second bullet point. Please respond to this point or if this exercise has not been undertaken, indicate and explain why it is not considered to be necessary to look at alternatives on an individual basis. What consideration has been given to the use of Article 32 and Article 27 powers in relation to each plot as opposed to the use of Article 24 and explain why it necessary and reasonable for Article 24 to apply to all the Order land?</p>
Q7.2.10	<p>Whether adequate funding is likely to be available</p>	<p>The Applicant’s response to ExQ 7.1.21 [REP2-051], indicates that there is no allocation for blight in the land cost estimate.</p>

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	The Applicant	<p>(i) Please provide further details to support the conclusion reached that no blight notices will be received.</p> <p>(ii) Please also explain how the cost of the 'potential for blight notices' has been included. Has this potential been assigned a monetary value and, if so, how has this been assessed. Does the £215m cost estimate for the scheme provide any leeway should the assumption of no blight notices prove to be incorrect?</p>
Q7.2.11	The Equality Impact Assessment The Applicant	The Applicant's response to ExQ 7.1.26 [REP2-051] refers to the Equality Impact Assessment [APP-167]. This states at para 7.1.23 that the scheme has the potential to disproportionately affect the age, disability and pregnancy and maternity equality groups due to the potential temporary diversion or closure of routes during construction. Whilst steps that have already been taken in response to consultation on these issues are noted, please provide further details of any ongoing engagement with affected persons with protected characteristics in relation to those matters identified as having the potential to disproportionately affect them.
Q7.2.12	The accuracy of the Book of Reference The Applicant	The Applicant's response to ExQ 7.1.32 [REP2-051] asserts 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. Please indicate the steps taken to confirm that to be the case and identify those parcels of land in unknown ownership that do not consist of public highway.
Q7.2.13	The acquisition of Statutory Undertakers' land and removal of apparatus – s127 and 138 PA2008 The Applicant	<p>The Applicant's response to ExQ 7.1.34 [REP2-051] did not deal with all the matters raised by the ExA under the second bullet point.</p> <p>(i) For each Statutory Undertaker (SU), please explain why the Applicant considers that the land or rights can be acquired without serious detriment to the carrying on of the undertaking and for those where rights would be extinguished or relevant apparatus removed, please indicate why this would be necessary for the purposes of carrying out the development. In responding please provide reasons specific to each SU explaining the existing use of the land made by the SU and details of the apparatus, if any, currently positioned on, under or over the land.</p> <p>(ii) In the light of the Applicant's response to the third bullet point of ExQ 7.1.34 [REP2-051], whilst the powers as drafted may apply to matters covered by both s127 and 138, please clarify whether all land concerned is SU land to which s127 applies and indicate for which of the SUs s138 applies in that there subsists over the land a relevant right or there is, on, under or over the land relevant apparatus. Notwithstanding the details provided in the various SoR annexes please provide a composite response to the query raised and include details for each SU of the extent, nature and purpose of the works to be carried out on the land.</p>
Q7.2.14	Other consents and agreements The Applicant	From the Applicant's response to ExQ 7.1.34 [REP2-051] it is noted that it is progressing shadow licence applications with Natural England where appropriate. The Consents and Agreements Position Statement [REP2-015] indicates that: " <i>Other forms of agreement may also be required alongside</i>

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		SoCGs, for example, agreements with statutory undertakers where these are required in addition to the protective provisions within the DCO and a Letter of No Impediment from Natural England in relation to draft Protected Species licences” Please provide an update on the progress of discussions with Natural England including in relation to shadow licence applications and indicate when a ‘Letter of No Impediment’ from Natural England in relation to draft Protected Species licences can be expected to be submitted to the Examination?
Q7.2.15	Other consents and agreements The Applicant	The Applicant’s response to ExQ 7.1.36 [REP2-051] states that the Applicant is currently engaging with the Environment Agency to determine whether the certain consents can be included within the Development Consent Order. Please provide an update on your discussions with the EA and confirm the position in relation to the need for consents for Water Discharge Activities – Permit to discharge to surface water and/or groundwater under Regulation 12 of the Environmental Permitting (England and Wales) Regulations (2016) and Water Abstraction Licence – Abstraction of water under sections 24 and 25 of the Water Resources Act (1991).
Q7.2.16	Objections to the grant of powers of compulsory acquisition and temporary possession The Applicant	The Applicant’s response to ExQ 7.1.37 [REP2-051] indicates 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. (i) Please clarify whether any specific consideration has been given to the individual rights of Mr Fairris, and the specific interference that would occur to his exercise of those rights as a result of the scheme? (ii) The ExA notes that from the Applicant’s response to Relevant Representation RR-030 in Response to the Relevant Representations [REP1-031] that they will ensure that a safe means of access will be maintained throughout the temporary use of these plots and that the detail will be included within the detailed Traffic Management Plan. However, for the avoidance of doubt please explain how this provision would be secured in the FiEMP and the Draft DCO? (iii) The latest submission of SoR Annex B [REP4-?] indicates that no further progress of negotiations has occurred since the s56 notice was issued to this party with a copy to his agent on 31 January 2023. Is that correct and has the Applicant made any further attempts to engage and progress negotiations since that date?
Q7.2.17	Objections to the grant of powers of compulsory acquisition and temporary possession The Applicant	The Applicant’s response to ExQ 7.1.39 [REP2-051] indicates that a safe means of access will be maintained to Plot 3/2b. Please explain in detail how in practice this will be achieved during construction and operation period, and how is this secured by the Draft DCO?
Q7.2.18	Objections to the grant of powers of compulsory acquisition and temporary possession	The Applicant has responded to your Relevant Representation [RR-030] and to the ExQ 7.1.37 [REP2-051] to the effect that a safe means of access will be included within the detailed Traffic Management Plan for the scheme. Please indicate whether you have any further concerns regarding the powers of temporary acquisition sought in respect of your land interests and in particular your access rights along

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	Mr Fairris	Long Walk/Fulling Mill Lane. If so, please explain those concerns and indicate whether your objection to the temporary possession powers sought by the Applicant is maintained?
Q7.2.19	Objections to the grant of powers of compulsory acquisition and temporary possession Mr Jonathan William Muir	Your Relevant Representation [RR-053] refers to your need to access your land at Abbots Worthy via the gate adjoining the A33 while the works are being undertaken and when they are complete. The Applicant's response to ExQ 7.1.39 [REP2-051] and your Relevant Representation [REP1- 031) confirms that a safe means of access will be maintained. Please indicate whether you have any further concerns regarding the powers of compulsory acquisition sought in respect of your land interests and, if so, why your objection is maintained?
Q7.2.20	The acquisition of Statutory Undertakers' land and removal of apparatus – s127 and 138 PA2008 Southern Gas Networks PLC	Your response to ExQ 7.1.42 [REP2-076] indicates that negotiations are ongoing between SGN and the Applicant in relation to securing protective provision for the benefit of SGN's undertaking which are acceptable to SGN. Do you remain confident that this matter will be resolved by negotiation prior to the close of the Examination such that your objection can be withdrawn?
Q7.2.21	The acquisition of Statutory Undertakers' land and removal of apparatus – s127 and 138 PA2008 Southern Water Services Ltd	Your response to ExQ [REP2-077] indicates that at that time the form of protective provisions contained in the draft DCO were not to your satisfaction. However, you anticipated agreement being able to be reached on those matters during the Examination. Please confirm that you still anticipate agreement being able to be reached through negotiation with the Applicant during the Examination such that your objection can be withdrawn?

8. Cumulative Impact		
Q8.2.1	Combined Effects South Downs National Park Authority	The Applicant's response to ExQ 8.1.4 [REP2-051] stated that in relation to The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.5.43, which concludes that the combined effect on the South Down National Park, it is not anticipated to be significant and the applicant gave further information that supported this assessment. Please indicate if you agreed with this reply and if not, why not.

9. Draft Development Consent Order		
Q9.2.1	Article 3 – Disapplication of legislative provisions The Applicant, Environment Agency	Please confirm that all concerns issues raised by the EA have been overcome by the Article 3 amendments made in the Revision 2 of the draft DCO [REP3-005] as noted in the SoCG between the EA and the Applicant [REP4-031].
Q9.2.2	Article 3 – Disapplication of legislative provisions Hampshire County Council	In response to ExA Q 9.1.9 [REP2-066], HCC indicated that it did not consider that s.23 of the Land Drainage Act 1991 should be disappplied. HCC’s ISH2 post hearing submissions [REP4-044] confirm that it does not consent to such disapplication and instead considers that the HCC consent scheme should remain in place to govern any interference with watercourses required under the DCO. The Applicant written summaries of oral case for Issue Specific Hearing 2 (ISH2) [REP4-035] states that it has agreed with HCC that it will no longer seek to disapply s.23 of the Land Drainage Act 1991, and this change will be reflected in the next iteration of the draft DCO (Rev 3) to be submitted at Deadline 5. (i) Please confirm that the HCC concerns in relation to this article have now been resolved and that no further changes to Article 3 or Protective Provisions are sought in this respect.
Q9.2.3	Article 8 - Limits of deviation (LoD) The Applicant	The Applicant’s response to ExQ 9.1.12 [REP2-051] indicates that the extent of vertical and lateral deviations set out in Article 8 have been determined based on the design, known constraints, construction and buildability factors associated with the Scheme. At ISH2 a topic for discussion was the extent of and justification for the LoD set out in the draft DCO [REP3-005], including those in respect of the attenuation ponds. The Applicant written summaries of oral case ISH2 [REP4-035] states that generally the limits of deviation are tight for the type of works proposed and allow little amendment at detailed design stage. Please provide further details as to why such flexibility is required and the dimensions of the attenuation ponds cannot be fixed at this stage including the circumstances in which the vertical depth of the basin might need to vary in order to maintain the required gradients.
Q9.2.4	Article 8 - Limits of deviation (LoD) South Downs National Park Authority	In response to ExQ 9.1.14 [REP2-073] the SDNPA expressed significant concerns about the proposed LoD allowing for up to a 5m deviation in relation to the drainage works and attenuation ponds. This matter was discussed at ISH2. In the light of the Applicant’s justification for the LoD sought, can the SDNPA explain further why it considers that the LoD need to be reduced in respect of these works and set out any draft amendments to this Article that it seeks?
Q9.2.5	Article 8 - Limits of deviation (LoD) Hampshire County Council	In response to ExQ 9.1.14 [REP2-067], HCC indicated that whilst the principle was accepted, the LoD from points E to F as shown on Works Plan Sheet 3 only provide for 0.5m vertical deviation. HCC requested that this is kept under review pending agreement on the Cart and Horses junction which would tie-in to this section of the works. This matter was discussed at ISH2 and HCC in its post hearing submissions [REP4-044] requests that this is kept under review pending agreement on the Cart and Horses junction which would tie-in to this section of the works. Please provide an update on any

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		progress in discussions with the Applicant on this topic. If this matter is not agreed by Deadline 5, please provide an alternative drafting of LoD for the draft DCO in this location.
Q9.2.6	Article 8 - Limits of deviation (LoD) Winchester City Council	In response to ExQ 9.1.14 [REP2-084] WCC expressed concerns as regards the 5.0m deviation for work numbers 1j and 1m. Following discussion of this matters at ISH2, can WCC indicate whether those concerns now been overcome? If not, please explain why they regard the LoD as excessive and provide your alternative drafting for the LoD in the draft DCO for these works?
Q9.2.7	Part 3 Streets Article 11 Street Works, Article 12 Power to alter layout etc of streets, Article 14 Construction and maintenance of new, altered or diverted streets and other structures, Article 15 Classification of Roads, Article 16 – Temporary Stopping up and restriction of use of streets The Applicant, Hampshire County Council	The HCC LIR [REP2-066] raised various concerns and suggested amendments in relation to the draft DCO [REP3-005] Part 3 Streets articles. These matters were also discussed at ISH2. The parties hoped that these matters would be resolved through negotiation and that an update to the Examination would be provided at Deadline 5. The Applicant written summaries of oral case for ISH2 [REP4-035] confirms that to be the case. However, if matters remain unresolved by Deadline 5, please provide full and detailed reasoning either in support of the articles as drafted or in support of changes sought to the draft DCO together including any related draft requirements.
Q9.2.8	Part 5 Powers of Acquisition Article 28 Public rights of way The Applicant, Hampshire County Council	This article is referred to in HCC LIR 10.23 [REP2-066] which states that in order to administer its responsibility in respect of any extinguishment under the draft DCO it requires notice of any extinguishment and proposes a new Article 28(4). The Applicant has responded to this in comments on HCC LIR at Deadline 3 [REP3-023] and propose an amendment to allow for giving 28 days' notice of extinguishment of a right of way to the local Highway Authority. This matter was discussed at ISH2 and the HCC post hearing submissions [REP4-044] confirms that it is content with the amended article except that it requests 42 days (6 weeks) notice rather than the 28 days' notice proposed by the Applicant's amendment. Please indicate whether this matter has been resolved through negotiation and if not, please provide full justification for either the retention of the 28 day notice period in the case of the Applicant or the 42 day notice period proposed by HCC.
Q9.2.9	Article 34 – Temporary use of land for carrying out the unauthorised development The Applicant, South Downs National Park Authority	The SDNPA in its LIR DCO COMMENTS Table on the DCO [REP2-071] sought amendment of this article stating that it is unclear why the rather arbitrary powers set out in Article 34 (1) (b) (remove and building and vegetation from that land) and (c) (construct temporary works (including the provision of means of access) and buildings on that land) would be required. In response the Applicant provided comments at Deadline 3 [REP3-023] its position being that where it is not necessary to carry out these

		<p>works the Applicant would not have power to do so. This matter was discussed at ISH2. The post hearing submission of SDNPA [REP4-047] sets out the drafting changes suggested by it at ISH2. The Applicant written summaries of oral case for ISH2 [REP4-035] confirms that it would be content to consider wording proposed by the SDNPA</p> <p>Applicant:</p> <p>(i) Please provided further justification for the need for this power including the provision for the removal or the provision of buildings on the land.</p> <p>(ii) Please indicate whether, for the avoidance of doubt, the drafting of this article could define more precisely the circumstances in which the power might be utilised?</p> <p>(iii) If the drafting amendments proposed by SDNPA are not agreed, then please provide detailed reasoning for their rejection.</p> <p>SDNPA:</p> <p>Please indicate whether the Applicant’s position, that where it is not necessary to carry out these works it would not have power to do so, provides reassurance as to the scope of this power. If not, please provide further reasoning to support the suggested amendment set out in your post hearing submission or any other amendments that might clarify the scope of these sub-articles.</p>
<p>Q9.2.10</p>	<p>Part 6 Operations Article 39 - Felling and Lopping of trees The Applicant</p>	<p>The SDNPA in its LIR DCO COMMENTS Table on the DCO [REP2-071] raises objection to this article stating that it would make it difficult to understand and assess the actual tree and hedgerow loss associated with the development. The Applicant in response to ExQ 9.1.36 [REP2-051] states that the Article only authorises powers in relation to those hedgerows that are set out in Schedule 8 of the draft DCO. This matter was discussed at ISH2, and the Applicant written summaries of oral case for ISH2 [REP4-035] confirms that it would be happy to consider wording proposed by the SDNPA in their written submission. The SDNPA has suggested an amendment to Article 39(4) [REP4-047]. Please provide an update in relation to your position in relation to the scope of this article and indicate whether the drafting amendment proposed is agreed or whether the article could otherwise be made more explicit in relation to which trees, hedgerows and other vegetation are encompassed.</p>
<p>Q9.2.11</p>	<p>Part 6 Operations Article 39 - Felling and Lopping of trees The Applicant, Hampshire County Council</p>	<p>HCC’s LIR [REP2-066] raises concerns in relation to this Article to the effect that it would require compensation for any highway trees that are removed pursuant to the authorised development and would seek appropriate terms in this Article. The Applicant’s comments on HCC LIR [REP3-023] indicate that it does not consider that compensation in accordance with a CAVAT valuation is appropriate. This matter was discussed at ISH2. The Applicant’s written summaries of oral case for ISH2 [REP4-035] confirms that the proposed disapplication of section 58 of New Roads and Street Works Act 1991 is required to be disappplied to allow the Applicant to go back onto the highway during the relevant maintenance period</p> <p>Hampshire County Council:</p>

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		<p>Please indicate whether your objection to this article is maintained and provide and justify any alternative drafting amendments that are sought</p> <p>Applicant: Please provide an update in relation to your position in relation to this article and indicate whether it is agreed that the drafting should include provision for the payment of compensation</p>
Q9.2.12	<p>SCHEDULE 2 – REQUIREMENTS</p> <p>Requirement 1 – Interpretation</p> <p>The Applicant</p>	<p>The SDNPA Comments on any additional/information/submissions received by Deadline 3 [REP4-047] indicates that the SDNPA would like to see a ‘definition’ or ‘interpretation’ that makes it explicit that any reference to ‘relevant planning authority’ within the draft DCO Requirements means the SDNPA and WCC, to avoid any future doubt or confusion. A similar request is made for the First Iteration Environmental Management Plan (fiEMP), where SDNPA would like to see an explicit reference/definition so as to avoid any doubt or confusion about who should be consulted/sent information etc. Please indicate whether this is agreed and that the draft DCO and fiEMP will be amended to reflect this. If not, please explain why?</p>
Q9.2.13	<p>Requirement 3 – Environmental Management Plan</p> <p>The Applicant, Winchester City Council</p>	<p>At ISH2 the matter of whether the hours of operation set out in Requirement 3(2)(b) are reasonable and necessary was discussed. WCC in its post hearing submissions [REP4-051] confirms that they are content with the working hours proposed. There a however a number of exceptions which would allow the applicant to construct outside of these hours. The SoCG between the Applicant and WCC [REP4-030] records that WCC seeks a greater understanding of the likelihood of exceptions and work required.</p> <p>Applicant : Please provide clarification on the likelihood and frequency of those exception events occurring and details as to what they would entail.</p> <p>WCC: Please indicate whether any drafting amendments to this requirement are sought to overcome your concerns in relation to the exceptions set out.</p>
Q9.2.14	<p>Requirement 4 – Details of Consultation</p> <p>The Applicant</p>	<p>At ISH2 SDNPA sought an amendment in relation to Requirement 4(3) namely that the words <i>‘taking into account considerations including, but not limited to, cost and engineering practicality’</i> should be deleted [REP4-047]. Please provide additional supporting reasons to justify the retention of these words and indicate why this emphasis is sought and why the words <i>“appropriate, reasonable and feasible”</i> would not provide sufficient safeguards for the Applicant’s position?</p>
Q9.2.15	<p>Requirement 5 – Landscaping</p> <p>The Applicant, South Downs National Park Authority</p>	<p>including advance planting and the addition of Requirement 5(3)(g) to include fencing and walls etc [REP4-047].</p>

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		<p>(i) Please indicate whether these amendments are agreed and that the next revision of the draft DCO to be submitted at Deadline 5 will be amended to reflect this. If not, please provide additional supporting reasons to justify their absence or need as the case may be?</p> <p>(ii) Whilst Requirement 7 also relates to fencing can the purpose of the means of enclosure which that requirement is intended to address be distinguished from that which comprises an aspect of the landscaping scheme and, if so, does that necessarily involve different considerations and control such that the proposed amendment to Requirement 5(3)(a) can be justified?</p>
Q9.2.16	<p>Requirement 6 – Implementation and maintenance of landscaping</p> <p>The Applicant, South Downs National Park Authority</p>	<p>At ISH2, SDNPA sought an amendment in relation to Requirement 6(3) namely that it should include reference to ‘other elements planted as part of the landscaping scheme’ and provide for replacement within a 10 year period after planting rather than 5 years [REP4-047]. the Applicant written summaries of oral case for ISH2 [REP4-035] confirms that it would consider this point further and respond in writing by Deadline 5. If this amendment is not agreed by Deadline 5, please explain why and provide full and detailed reasons for your stance.</p>
Q9.2.17	<p>Requirement 9 – Archaeology</p> <p>Winchester City Council, South Downs National Park Authority</p>	<p>The SDNPA LIR [REP2-071] and WCC response to ExQ1 [REP2-084] raise concerns in relation to the drafting of this requirement including in relation to the proposed archive mitigation provision. This matter was discussed at ISH2. The SDNPA Deadline 4 post hearing submission [REP4-047] indicates that the SDNPA has been in correspondence with the Applicant, and provided draft DCO Requirement 9(6) is amended to make reference to matters being “<i>agreed</i>” with the City Archaeologist, then this would be sufficient to address its concern. The SoCG between the Applicant and WCC [REP4-030] confirms that the City Archaeologist is satisfied that the revised wording provides WCC with security in terms of any agreement on archiving. The Applicant’s written summaries of oral case for ISH2 [REP4-035] confirms that the amended wording to Requirement 9(6) has been agreed and the Draft DCO will be updated accordingly at Deadline 5. (i) Please confirm that subject to that further amendment of R9(6) the drafting of this article is agreed and that you are satisfied that the revised drafting would be sufficiently satisfactorily achieve and secure the aims and enforce provision of the funding that you seek and that the issue of the need for a s.106 agreement to secure a financial contribution towards archive deposition is no longer being pursued?</p>
Q9.2.18	<p>Requirement 11(1) – Traffic Management</p> <p>The Applicant, South Downs National Park Authority</p>	<p>The SDNPA Deadline 4 submission [REP4-047] refers to the Applicant’s comments at ISH2, that the Traffic Management Plan (TMP) will include all the PRoW issues (and diversions), the PRoW Management Plan and the SDNPA request for a Construction Workers Travel Plan. SDNPA seeks amendment of draft DCO Requirement 11(1) to include the SDNPA also being consulted on the TMP. (i) Please confirm that this amendment is agreed and will be actioned in the next revision of the Draft DCO to be submitted at Deadline 5. (ii) If not, please provide additional supporting reasons to respectively support the rejection of or need for these amendments.</p>

<p>Q9.2.19</p>	<p>Requirement 12 – Detailed Design The Applicant, South Downs National Park Authority, Winchester City Council</p>	<p>The prospect of a ‘design code’ being agreed and potentially secured by a draft DCO requirement was discussed at ISH1 and also at ISH2. The Applicant’s written summaries of oral case for ISH2 [REP4-035] confirms that it is preparing a draft code of design principles which would be secured as part of Requirement 12 of the draft DCO and that this would be submitted at Deadline 5. The Applicant will look to share the document before then with local authorities but that failing this a form of the document would be submitted at Deadline 5</p> <p>(i) Please ensure that an update in relation to the progress of discussions between the parties on this topic including an explanation of the design principles included in the draft design code and any related draft amendments to Requirement 12.</p> <p>(ii) If the document has been shared prior to Deadline 5, please provide any suggested drafting amendments to the Draft Design Code and/or Requirement considered to be necessary to secure such provision at Deadline 5.</p>
<p>Q9.2.20</p>	<p>Requirement 12 – Detailed Design The Applicant, Hampshire County Council</p>	<p>The HCC LIR at 10.25 [REP2-066] suggests an additional sub-paragraph to Requirement 12(2) to avoid negative impact on HCC’s responsibility as local highway authority. HCC’s post Hearing submissions [REP4-044] indicates that it is confident that this issue can be resolved with an update provided to the ExA at Deadline 5. The Applicant’s written summaries of oral case for ISH2 [REP4-035] confirms that its position is unchanged from its Deadline 3 comments. If this matter is not agreed by Deadline 5, please provide further justification for the need for or rejection of this addition, including a consideration of the practical consequences for HCC of a failure to include it given its responsibilities for long term maintenance for those parts of the authorised development that are on highway (other than trunk road or special road).</p>
<p>Q9.2.21</p>	<p>Requirement 13 – Surface Water Drainage The Applicant, Hampshire County Council</p>	<p>HCC LIR at 10.25 [REP2-066] expresses concern that the requirement as drafted does not provide sufficient clarity in terms of what constitute an acceptable level of detail for the surface water drainage system and seeks an amendment to the Requirement 13 (1) and (3) and new sub-paragraph (2). This matter was discussed at ISH2 and HCC post hearing submissions [REP4-044] indicate that HCC is confident that this issue can be resolved with an update provided to the ExA at Deadline 5. If this matter is not agreed by Deadline 5, please provide further justification for the need for these amendments or the reasons for opposing them, including consideration of the practical consequences for HCC of a failure to include them.</p>
<p>Q9.2.22</p>	<p>Requirement 14(1) – Noise Mitigation The Applicant, Hampshire County Council</p>	<p>At ISH2 SDNPA [REP4-047] was critical of the drafting change submitted at Deadline 3 [REP3-005] and suggested that this could lead to confusion. The SDNPA proposes that if the overall reference to ‘relevant planning authority’ is not changed then Requirement 14(1) needs to be amended again to explicitly refer to the SDNPA as well as WCC.</p> <p>Applicant:</p>

		<p>Please confirm that this amendment is agreed and will be actioned in the next revision of the Draft DCO? If not please provide additional supporting reasons to support the rejection of the suggested amendment.</p> <p>SDNPA:</p> <p>The SoCG between the Applicant and WCC [REP4-030] sets out the proposed changes to accommodate the concerns as follows: “14.—(1) <i>No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the use and operation of that part of the authorised development, including low noise surfacing, have been submitted to and approved in writing by the Secretary of State, following consultation with Winchester City Council, and if required, any additional relevant planning authority.</i>” Please provide any specific further drafting changes that you seek.</p>
Q9.2.23	<p>Additional Requirements</p> <p>South Downs National Park Authority</p>	<p>The SDPNA LIR [REP2-071] sets out at paragraph 6.45 comments on the proposed draft DCO Requirements in table format. Please provide an updated table to indicate SDNPA’s position in relation to those powers and requirements and any additional amendments to others that are sought at this stage of the Examination.</p>
Q9.2.24	<p>Additional Requirements</p> <p>The Applicant, South Downs National Park Authority</p>	<p>At ISH2 the prospect of an additional Requirement for the submission of a Phasing Plan as proposed by SDNPA in its LIR was discussed. The SDNPA’s post hearing submission [REP4-047] states that this would help with the timing and understanding of when information will be provided for approval. For example, in the DCO, under Requirement 5 Landscaping, the current wording refers to ‘written landscaping scheme for that part’. The Applicant’s written summaries of oral case for ISH2 [REP4-035] confirms that its position is that it is not needed or necessary for this development which is not a phased development.</p> <p>Applicant:</p> <p>Please provide further reasoning to support the rejection of this suggested additional requirement and respond to the SDNPA point that there is a reference to ‘part’ within Requirement 5 which would entail the discharge of that particular requirement against a defined stage of the development and that greater clarity in relation to the timing of the development is required?</p> <p>SDNPA:</p> <p>Please provide further justification for seeking this requirement and indicate whether you are content in the light of the Applicant’s post hearing note [REP4-035] referring to further information pertaining to construction phasing in paragraphs 2.8.8 to 2.8.10 of the ES Chapter 2 [APP-043].</p>
Q9.2.25	<p>Additional Requirements</p> <p>The Applicant, Hampshire County Council</p>	<p>At ISH2, the draft requirement proposed by HCC LIR 10.11 [REP2-066] to secure the provision of a Local Highway Legal Agreement to govern the performance and transfer of maintenance responsibility of the Local Highway Works. HCC post hearing submissions [REP4-044] indicates that HCC is confident that this issue can be resolved with an update provided to the ExA at Deadline 5. The</p>

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		Applicant's written summaries of oral case for ISH2 [REP4-035] confirms that they were still in discussion with HCC as to the prospect and need of a separate legal agreement. If this matter is not agreed by Deadline 5, please ensure that the update provided sets out full and detailed justification either for the need for this addition to secure the provision of a Local Highway Legal Agreement or, in the case of the Applicant, its rejection.
Q9.2.26	Schedule 10 – Protective provisions The Applicant	The progress of discussions between the Applicant and Statutory Undertakers was discussed at ISH2. Please provide an update on any current negotiations and agreements with individual IPs including the EA, Southern Gas Networks plc, and Southern Water.
Q9.2.27	Section 106 Planning Obligations and any Other Agreements The Applicant, Hampshire County Council, South Downs National Park Authority	<p>The prospect of s.106 Planning Obligations or other agreements to secure mitigation measures and other matters was discussed at ISH2. The SDNPA post hearing submission [REP4-047] lists a number of projects which they submit could go some way to further mitigate or ameliorate the harm that will arise from the Proposed Development. The Applicant's written summaries of oral case for ISH2 [REP4-035] confirms its position that no s.106 obligation is required to secure payment for further contribution measures proposed by the SDNPA as it does not consider there is further harm which requires mitigation.</p> <p>SDNPA:</p> <p>Please set out in full your position in relation to any harm to the SDNP that would require mitigation. Please confirm that the provision of this funding would overcome your concerns in relation to any adverse impact upon the SDNP to the extent that your objection could be withdrawn? If not, for the avoidance of doubt, please list any other measures that would be required to enable you to achieve that position?</p> <p>HCC/Applicant:</p> <p>The HCC post hearing submissions [REP4-044] confirms that it has forwarded heads of terms in respect of the legal agreements and s.106 planning obligations that are being sought to the Applicant and that it is confident that this issue can be resolved. The Applicant's written summaries of oral case for ISH2 [REP4-035] confirms its position that no section 106 is required to secure payment for commuted sums for HCC taking possession of highway as this can be discussed in more detail in relevant side agreements. Please provide an update on this matter by Deadline 5. If this matter has not been resolved by then, please provide further justification either for the need for a s.106 obligation, or why such provision is not regarded as being necessary.</p>

10. Flood Risk, Groundwater and Surface Water		
Q10.2.1	Infiltration Rates Hampshire County Council	In paragraph 8.6 of their LIR [REP2-066] and in response to ExQ Q10.1.2 [REP2-067], HCC as Lead Local Flood Authority state that they require details to ensure discharge rates are adequate to confirm if drainage basins are suitably sized. In response to Q10.1.2 [REP2-051] the applicant suggested that these would be provided during detailed design and the issue would be secured through Requirement 12 and 13 of the DCO. Please confirm if this is acceptable and if not, why the information should be provided during the examination and what impact this would have on the DCO.
Q10.2.2	Historic Flooding The Applicant	In paragraph 5.2.5 of their LIR [REP2-083], WCC state that the Winchester City Council SFRA (Halcrow, 2007) identifies that there are historic flood records dating from 1997 to 2006 within the Winchester City Council local authority area and that flooding has occurred more recently in Winchester City Centre, with significant events in 2014 and 2020. Can the applicant explain why this has not been included in the assessment and if this data should be included. WCC state that they believe it is not satisfactory to say 'Date not Specified' and flooding should be evaluated to 2020 at least, and not stop at 2006.
Q10.2.3	Shoulder of Mutton Borehole The Applicant, Mrs Rosewell	In their cover letter at Deadline 4 [REP4-033], the applicant gave an update of further investigations and assessment of the groundwater borehole at the Shoulder of Mutton Farm and it is noted that the applicant has corresponded with the owners in this regarding. Please update the ExA if discussions with local residents are still ongoing or if the further information provided has now resolved the issues raised in written summary of oral submissions at Open Floor Hearing 1 [REP1-035] .

11. Historic Environment		
Q11.2.1	Archaeological Archive Historic England	The Historic England response to ExQ 11.1.1 and 11.1.2 [REP2-068] confirms that you are generally satisfied with the contents of the ES and the wording of Requirement 9 of the draft DCO. However, you defer to the Winchester City Archaeologist on the matter of the storage of the archaeological archive and concur that certain provisions and contributions associated with interpretation should ideally be secured via a s.106 Agreement. The Applicant has confirmed that it does not propose to secure these matters via a s.106 Agreement. Do you still have any outstanding concerns in this respect or are you content to adopt the same position as WCC and the Winchester City Archaeologist in this matter?
Q11.2.2	Mitigation Winchester City Council	Given the WCC response to ExQ 11.1.1 and 11.1.2 [REP2-084]: (i) Please confirm that you are now content with the contents and drafting of the Archaeology and Heritage Outline Mitigation Strategy. (ii) Please confirm that you are content that appropriate provisions and contributions for the installation of and ongoing management and maintenance of on-site archaeological interpretation do not need to be secured via a s.106 legal agreement. If not, please explain why Requirement 9 of the draft DCO would not provide sufficient safeguards in that respect.
Q11.2.3	Archaeological Archive South Downs National Park Authority	The SDNPA response to ExQ 11.1.2 [REP2-072] states that there should also be appropriate financial recompense built into the archiving process, and that an appropriate planning obligation is required to mitigate the harm. Please confirm that you are content that appropriate provisions and contributions for the installation of and ongoing management and maintenance of on-site archaeological interpretation do not need to be secured via a s.106 legal agreement. If not, please explain why Requirement 9 of the draft DCO does not provide sufficient safeguards in that respect
Q11.2.4	Mitigation South Downs National Park Authority	The SDNPA response to ExQ 11.1.5 [REP2-072] suggests that the proposed archaeological outreach and public engagement should be more explicitly covered in the Archaeology and Heritage Outline Mitigation Strategy. Please indicate whether you have any outstanding concerns in this respect or seek any further amendments to the Archaeology and Heritage Outline Mitigation Strategy?
Q11.2.5	Archaeological Archive The Applicant	The Applicant's written summary of oral submissions at ISH1 [REP4-034] confirms that in respect of funding for storage of archaeological finds, it would be content in principle to provide funding but that a s.106 agreement is not considered necessary. This is because the costs are directly attributable to the finds which are related to the significance attributed to them. The draft Development Consent Order (Rev 3) will be updated to include the agreed wording at Deadline 5. The agreed wording is at Requirement 9(6): ' <i>On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the City Archaeologist.</i> ' Please explain how such drafting would commit the Applicant to providing the necessary funds in the future for

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		the costs directly attributable to any finds given the absence of any reference to the extent or liability to provide any funding or the timeline for its provision or indeed a timeline for agreement with the City Archaeologist?
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12. Landscape Impact and Visual Effects and Design		
Q12.2.1	Design The Applicant, Winchester City Council, South Downs National Park Authority	The ExQ 12.1.2 asked whether consideration had been given the production of a specific ‘design code’ or ‘design approach document’ which would establish the approach to delivering the detailed design specifications. This matter was also discussed at ISH1. The Applicant’s written summary of oral submissions for ISH1 [REP4-034] confirms that it will summarise the design principles outlined in the Design and Access Statement [APP-162] into a specific document by Deadline 5. Please provide an update in relation the progress of this document and whether any specific design principles/objectives and the means whereby this could be secured through the draft DCO have been agreed between the parties?
Q12.2.2	Landscape Assessment The Applicant, South Downs National Park Authority	<p>The SDNPA Response to ExA Q12.1.22 [REP2-072] raises a fundamental concern in relation to the judgments within the LVIA and in particular the finding that landscape effects on the SDNP will no longer be significant at Year 15 of operation. Furthermore, the SDNPA is not content that the proposed mitigation measures will be sufficient to compensate for the harm to the SDNP and further measures are sought. This matter was discussed at ISH1.</p> <p>SDNPA:</p> <p>Please provide an update in the light of any additional information provided by the Applicant at Deadline 4, in relation to the SDNPA position as to the degree of permanent harm that would be caused setting out, for the avoidance of doubt, all elements that would contribute to that harm and the additional mitigation measures that are sought.</p> <p>Applicant:</p> <p>Please summarise your position in relation to the LVIA finding that landscape effects on the SDNP will no longer be significant at Year 15 of operation and indicate whether any of the additional mitigation measures sought by SDNPA are agreed? If not, please summarise why you do not consider them to be necessary.</p>
Q12.2.3	Landscape Assessment South Downs National Park Authority	The SDNPA LIR [REP2-071] raises a number of specific concerns in relation to landscape effects on the special qualities of the SDNP including the proposed earthworks and changes to topography and whether the overall design of the scheme should better reflect the existing positive characteristics of the Open Downland landform, and the proposed location of the main construction compound within the SDNP. The Applicant’s response to ExQ 12.1.22 [REP2-051] asserts that the scheme incorporates <i>“sympathetically designed earthworks which reflect the existing landform in supporting visual screening and integrating the highway corridor into its landscape context”</i> and that <i>“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”</i> . These matters were discussed at ISH2.

		<p>These matters were discussed at ISH1 and are referred to in the Applicant’s written summary of oral submissions for ISH1 [REP4-034]</p> <p>(i) Please summarise your position in relation of the landscape effects on the special qualities of the SDNP following ISH1 including in relation to the siting of the main construction compound, the prospect of alternative locations outside the SDNP and whether any further mitigation could and should be achieved, in the light of any additional information provided by the Applicant.</p>
Q12.2.4	<p>Landscape Assessment Winchester City Council</p>	<p>The WCC response to ExQ 12.1.3 [REP2-084] suggests that as regards the proposed changes to the landform within the SDNP, you believe that the open downland would be harmed by raising the levels as the natural line of the topography will be affected and that further consideration on the levels and ultimate topography is required to ensure the nature of the open downland is not harmed. Given the Applicant’s response to ExQ 12.1.18 [REP2-051] and in the light of the additional information provided by the Applicant on this topic [REP4-034], please indicate whether you have any outstanding concerns in relation to this and outline any further mitigation that is sought?</p>
Q12.2.5	<p>Advance Planting South Downs National Park Authority</p>	<p>In relation to advance planting the Applicant’s written summary of oral submissions for ISH1 [REP4-037] indicates that it proposes to add a reference to the timing of advance planting to be provided as part of the discharge of Requirement 5 and this will be included in the draft DCO at Deadline 5. The Applicant also confirmed that it would continue to discuss advanced planting with SDNPA.</p> <p>(i) Has any progress been made to date as regards the provision and details of advance planting? If not, please specify in full any such additional provision and details that are sought and how they should be secured by the draft DCO requirements.</p>
Q12.2.6	<p>Construction Compounds The Applicant, South Downs National Park Authority</p>	<p>The Applicant’s written summary of oral submissions for ISH1 [REP4-034] Appendix F provides cross-sections of the proposed construction compound. The sloping nature of the site is shown as varying between 53m and 60m AOD where the vehicles are parked. Appendix C – Construction Compound Position Paper Table 1: Construction operations and actions paragraph 141 states that: “<i>The location of the cabins in a low-lying area of land that will have minimum visual effect has been prioritised over locating areas not requiring a cut and fill area that might be more visible</i>”. In addition, paragraph 1.5.5 states that: “<i>The location of the proposed cabins at the lower ground level to the north of the compound reduces the visibility of these temporary structures.</i>”</p> <p>(i) Given the sloping nature of the site would the cabins, parking and storage areas be apparent from surrounding higher ground including to the north, and east. Please explain the extent and aspects of the construction site that you anticipate would be seen from within the SDNP and its setting and from Easton Lane.</p> <p>(ii) Please provide an AOD for the boundary of the proposed construction site nearest the M3 and confirm that the slope would only be altered to the limited extent shown and explain how this would be secured by the draft DCO.</p>

		<p>(iii) The Appendix C plan shows different areas being used for the compound cabins, vehicle parking and material storage. Whilst it is noted that the plan is marked as indicative, please explain how the different usages of parts of the site would be controlled and defined.</p> <p>(iv) Whilst the Applicant anticipates that the car parking and material storage would be lower in height than the cabins, given the SDNP location should all activities on the site be subject to height limits secured by the draft DCO including the heights of the compound cabins and the storage and the avoidance of double storey office units.</p> <p>(v) The Applicant [REP4-034] confirms that it would continue discussions with the SDNPA over the extent of further mitigation that could be required including whether providing limitations and/or parameters to the heights of buildings and storage of materials may resolve the SDNPA's concerns. Please provide an update in relation to such discussions and set out any consequent draft DCO amendments that are sought.</p>
Q12.2.7	<p>Construction Compounds The Applicant, South Downs National Park Authority</p>	<p>The Applicant's written summary of oral submissions for ISH1 [REP4-034] includes Appendix D - Indicative construction layout.</p> <p>(i) Please comment on the indicative construction layout, the anticipated visual impact, and the degree of cut and fill that is shown to enable siting of the cabins (0.36m).</p> <p>(ii) The septic tank is shown on the layout plan. Please explain how it would be ensured that this would not have any adverse implications for any nearby private water supply and boreholes.</p>
Q12.2.8	<p>Construction Compounds South Downs National Park Authority</p>	<p>The Applicant's written summary of oral submissions for ISH1 [REP4-034] Appendix C – Construction Compound Position Paper Table 1: Construction operations and actions paragraph 1.7.3 states that the compound is required to provide essential welfare facilities for the workers operating on the east side of the gyratory, storage of materials and equipment and to ensure the security of the construction site as a whole. Please indicate whether it is agreed that the compound is required in this location and that the reduction in size of the compound referred to by the Applicant is proportionate.</p>
Q12.2.9	<p>Construction Compounds The Applicant, South Downs National Park Authority</p>	<p>The Applicant's written summary of oral submissions for ISH1 [REP4-034] Appendix C – Construction Compound Position Paper In relation to car parking at Table 1 indicates that 30 spaces would be used at a locally sourced rental area and that this represents a proportionate approach to reducing the impact on the SDNP. However, the scheme still seeks 360 parking spaces for the construction.</p> <p>(i) Please explain why all the parking spaces for visitors and workforce could not be off-site and a park and ride system operated for all visitors and workers.</p> <p>(ii) Please comment on the extent of the area that the Applicant requires and the impact of that upon the SDNP.</p>

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Q12.2.10	Construction Compounds The Applicant	Notwithstanding the details and information already provided, please summarise your position in relation to whether the compound could be located outside the SDNP and the suitability of the alternatives locations for it proposed by the SDNPA.
Q12.2.11	Mitigation South Downs National Park Authority	The SDNPA LIR [REP2-071] sought the provision of additional Chalk Grassland to mitigate the impacts of the scheme with the extension of the Chalk Grassland across the remainder of the fields east of the M3 being secured through the draft DCO Requirements. This matter was discussed at ISH1. In the light of the Applicant's submissions [REP4-034], please summarise your position in relation to the provision of additional Chalk Grassland that you seek, namely, the extension of the Chalk Grassland across the remainder of the fields east of the M3 and why you still regard this as necessary and reasonable to mitigate the impacts of the scheme.
Q12.2.12	Mitigation South Downs National Park Authority	The SDNPA LIR [REP2-071] queries the proposals to manage lower embankments alongside the M3 as Chalk Grassland. The design, management, and viability of the proposed areas of Chalk Grassland was discussed at ISH1. The Applicant's written summary of oral submissions for ISH1 [REP4-034] indicates that outline measures for management of the chalk grassland to ensure its success are set out in the Outline Landscape and Ecological Management Plan (Appendix 7.6) of the ES [APP-102]. (i) Please summarise any outstanding concerns in relation to the proposals to manage lower embankments alongside the M3 as Chalk Grassland. (ii) Do you have any suggested amendments or additions to the Outline Landscape and Ecological Management Plan in that respect?
Q12.2.13	Mitigation Winchester City Council	The WCC response to FQ 12.1.3 [REP2-084] sought further mitigation in the form of wider swaths of planting of at least 25m in depth along the SDNP edge of the M3 for screening and tranquillity with planting also at the top of slopes. Please confirm your position in relation the need for planting of this depth and indicate whether any further mitigation over and above that which is being proposed is considered necessary
Q12.2.14	Connectivity South Downs National Park Authority, Winchester City Council	The Applicant's response to ExQ 12.1.19 [REP2-051] endeavours to summarise and explain ways in which the scheme would seek to increase overall connectivity between Winchester and the SDNP by the end of the construction period and achieve long-term permanent improved connectivity across the local PRoW network as a whole by Year 15. Please summarise your position as to the anticipated improvements in connectivity and accessibility set out any outstanding concerns as regards how this is proposed to be achieved and secured by the draft DCO.

13. Noise and Vibration		
Q13.2.1	Mitigation Hampshire County Council	HCC in their LIR paragraph 9.5.1 [REP2-066] have stated that they encourage the applicant to mitigate operational noise of the completed scheme as far as possible, however the applicant has stated in ES Chap 11 para 11.8.7 [APP-052] that no essential mitigation is required. Can HCC confirm that they accept this approach based on the information in the ES, or if they have a different assessment.
Q13.2.2	Mitigation Hampshire County Council	The applicant has confirmed that all carriageway surfaces within the application boundary will be subject to low noise surfacing, including on those maintained by the local highway authority. Please confirm how this surfacing will be maintained in the future to ensure the mitigation remains in place through future maintenance cycles.
Q13.2.3	Construction Phase Night Working Winchester City Council	Please confirm if there are any specific monitoring requirements anticipated for night working during the construction phase and indicate if this is a matter which is sufficiently referenced in the environmental management plans and secured in the DCO.
Q13.2.4	Low Noise Surfacing The Applicant	In response to ExQ Q13.1.3 [REP2-051] regarding low noise surfacing, the applicant's reply stated that low noise surfacing would be introduced for all new area of carriageway but re-surfacing of existing roads would be like-for-like, with a change of road surfacing requiring a Departure from Standards application. Please provide clear and full details of which carriageways in the application boundary are currently low noise surfacing and which in the proposals will be low noise surfacing.
Q13.2.5	Noise and Vibration Monitoring The Applicant, Winchester City Council	Following discussions at ISH2, please explain if and how construction and post construction noise and vibration monitoring will be undertaken, if there are remaining differences between the applicant and WCC regarding this, please explain what they are and the current position of each party.

14. Policy and Need		
Q14.2.1	Case for the Scheme South Downs National Park Authority	Please detail how it is considered the economy of the SDNP will benefit from the implementation of the proposed application, citing any costed assessments that may have been undertaken.
Q14.2.2	Case for the Scheme South Downs National Park Authority	Can SDNPA state if they agree that as stated in 3.1.11 of Case for the Scheme [REP1-019] that the existing M3 Junction 9 is ' <i>...a substantial barrier to connectivity in relation to the South Downs National Park and walking, cycling and horse-riding...</i> ' and if so, do they believe access could be improved without the implementation of the proposed application.
Q14.2.3	Case for the Scheme The Applicant	The ExQ 14.11.11 refers to the objective " <i>To reduce delays at M3 Junction 9 on all links M3, A33 and A34</i> ". The Applicant's response [REP2-051] states that 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. However, Table 7-7 indicates that for the A33 (old A34) and the M3 northbound off-slip the AM delay would increase slightly. Please clarify and explain the position in relation to the anticipated reduction in delays and anticipated queue lengths with the scheme in place for all key areas currently congested.
Q14.2.4	Case for the Scheme Hampshire County Council	The Case for the Scheme [REP1-019] and other documents detail the improvements that will be provided to NCR23 through the gyratory. From the point of view of the PROW authority, please detail the practical issues with the existing route and how this restricts the use and accessibility of NCN23 for users, please also detail if it is considered possible to mitigate these issues without the proposed application. Please also provide a summary of the correspondence/complaints that these issues generate.
Q14.2.5	Case for the Scheme The Applicant	The ExQ 14.1.12 sought 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. The Applicant's response [REP2-051] explains that the Level 2 wider economic impacts were quantified based on the relevant Department for Transport, Transport 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. The anticipated wider economic benefits were discussed at ISH3. (i) Please respond to the criticism made by IPs of the use and reliability of the TAG methods. (ii) For the avoidance of doubt, please confirm that the potential stimulus of local development sites and improved land values at the Winnall Industrial Estate with consequential densification of development and economic activity is not a factor that has been quantified or otherwise included as an aspect of the local economic benefits of the scheme

Q14.2.6	Case for the Scheme Winchester City Council	As the main employment area for Winchester, can WCC explain how the proposed application will benefit the Winnall Industrial Estate and what currently limits economic growth.
Q14.2.7	NSPNN The Applicant	<p>The ExQ 14.1.10 refers to the Case for the Scheme [APP-154] Table 3.2 in relation to the NPSNN strategic objective to provide '<i>Networks which support the delivery of environmental goals and the move to a low carbon economy</i>'. The Errata sheet to the Applicant response to written question 14.1.10 was provided at Deadline 4 [REP4-032]. This confirms that Design Manual for Roads and Bridges (DMRB) and the Institute of Environmental Management & Assessment (IEMA) guidance are both widely used to assess climate change in EIA. However, it is stated that for a road scheme, the UK-wide industry standard methodology to use for assessments are those set out within the DMRB.</p> <p>(i) Please indicate whether there are any reasons other than the achievement of consistency in road schemes, that the DMRB LA 114 standard has been used in this case.</p> <p>(ii) Please comment on any differences in outcomes that would result from the alternative use of the Institute of Environmental Management & Assessment (IEMA) guidance in the light of the submissions of Dr Boswell on this topic.</p> <p>(iii) The response makes reference to the case of <i>Goesa Ltd, R (On the Application Of) v Eastleigh Borough Council [2022] EWHC 1221 (Admin) (23 May 2022)</i> in support of the principle that the use of national carbon budgets as a benchmark for the assessment of carbon emissions represents a lawful approach. In that case, the ExA notes that the Council utilised the IEMA guidance, and the subject matter was an airport runway extension. The court also found it to be noteworthy that the claimant did not suggest what alternative criterion would be compliant with the EIA Regulations to help the court assess its criticisms of the legality of the Council's approach. Please comment on the relevance of the findings of the court in that case given these differences in context and subject-matter.</p> <p>(iv) Please confirm that the Applicant's position in the light of the court cases referred to can be summarised as being that, as matter of principle, there is nothing unlawful in a decision-maker using benchmarks he considers to be appropriate, including national targets, in order to help arrive at a judgment on those issues unless such a decision could be regarded as being unreasonable in the <i>Wednesbury</i> sense.</p>
Q14.2.8	NSPNN The Applicant, South Downs National Park Authority,	<p>In relation to NPSNN paragraph 5.152 the Applicant's response to ExQ 12.1.20 [REP2-051] refers to the scheme's impacts on journey time reliability and economic benefits, both direct and indirect, as being 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. The 'benefits' of the scheme were also discussed at ISH3. The Applicant's Written Summary of Oral Case for ISH3 [REP4-036] sets out the benefits of the scheme on which it relies.</p> <p>SDNPA:</p>

		<p>(i) Please summarise your position in relation to the 'benefits' that should be taken into account in the NPSNN paragraph 152 balancing exercise in the event that it is considered to be applicable to this case including improvements to visual amenity and landscape character over the long term; wildlife and green infrastructure enhancements</p> <p>(ii) Please comment on the Applicant's post hearing note [REP4-036] in response to the five specific questions raised by the SDNPA at ISH3.</p> <p>WCC: The SoCG between the Applicant and WCC [REP4-030] at 2.1 indicates that the WCC agrees that the five strategic objectives of the scheme including reducing delays at the Winchester junction, as well as the M3, A33 and A44, supporting economic growth and improving walking, cycle, and horse routes align with the City of Winchester Movement Strategy (2019) key priorities. The ExA notes the WCC's outstanding concerns and potential conflicts with Local Plan policies in relation to climate change issues. Please clarify the position of WCC in relation to the acceptability of the principle of the scheme and whether it would be consistent with the overall aims of the Local Plan.</p>
Q14.2.9	NPSNN South Downs National Park Authority	<p>The SDNPA response to ExQ 14.1.7 [REP2-072] confirms that: "<i>the SDNPA does not agree with the applicant's position and it is not agreed that the scheme meets the 'exceptional circumstances' test</i>".</p> <p>(i) Please clarify the SDNPA's position as to whether there is no realistic alternative to the proposed improvement works.</p> <p>(ii) Given that the M3 and Junction 9 are either within the SDNP itself or within its setting with the exception of the construction compound, is it accepted that there is no scope for carrying out the improvements works outside the designated area or meeting the need for it in some other way.</p> <p>(iii) Please confirm and explain why your position remains that the scheme does not meet the 'exceptional circumstances' test in paragraph 5.151 of the NPSNN</p>
Q14.2.10	NPSNN The Applicant	<p>In the NPSNN paragraph 5.147 states that for any undertaking that affects land in a National Park, the undertaker '<i>...would need to comply with the respective duties in section 11A of the National Parks and Access to Countryside Act 1949</i>'. The NPSNN Accordance Table [REP2-040] does not confirm this is required. Please confirm that this requirement is accepted and if so update the accordance table accordingly.</p>
Q14.2.11	NPSNN The Applicant, South Downs National Park Authority, Winchester City Council	<p>The NPSNN paragraph 5.152 states that: "<i>There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly</i>". Whilst Applicant position is that the overall aim is to improve the existing M3 junction 9, it is acknowledged that this would involve the provision of areas of widening and new carriageway.</p>

		<p>(i) Having regard to the extent of the road widening proposed, the degree of incursion into the SDNP that would occur, and the recognition and protection given to National Parks by the NPSNN, please provide a summary of your position as to whether or not the scheme should be regarded as ‘significant road widening’ in the SDNP rather than an existing road junction improvement project.</p> <p>(ii) In the event that the scheme is considered by the SoS to fall within the category of ‘significant road widening’, please clarify and explain your position as to whether there are compelling reasons for the new or enhanced capacity and whether any benefits would outweigh the costs very significantly</p>
Q14.2.12	NPSNN The Applicant	In their response to the SDNPA LIR [REP3-023], the applicant stated, in relation to paragraph 5.148 of the NPSNN, that ‘... <i>while the Scheme does involve small areas of widening and new carriageway within the National Park it is not undertaking works of the nature anticipated by this policy</i> ’. Please explain, referencing approved DCOs or case law as necessary, how the policy anticipates the application of significant road widening or building of new roads. In this same regard, the NPSNN Accordance Table [REP2-040] only references the widening of the main M3 carriageway and makes no reference to the widening of the junction or new slip roads. Please detail why it is felt that the NPSNN only relates to the M3 carriageway rather than the road or highway extent and also why it is felt that the new slip roads and A33 roundabout are not considered to be ‘... <i>the building of new roads...</i> ’ as defined in paragraph 5.148 of the NPSNN.
Q14.2.13	NPSNN South Downs National Park Authority	<p>The Applicant’s response to ExQ 12.1.5 [REP2-051] asserts that the policy set out within paragraph 5.148 of the NPSNN does not apply to the scheme but is intended to capture projects which are constructing major new roads or significantly widening existing roads in the National Park.</p> <p>(i) Please summarise your position in relation NPSNN paragraph 5.148 and the “<i>significance</i>” of the road widening proposed in terms of its scale, form, and the anticipated impact on the special qualities of the SDNP.</p> <p>(ii) Please also comment on the Applicant’s “<i>in any event</i>” response to ExQ 12.1.5 [REP2-051] to the effect that if it did apply, the scheme would demonstrate compliance.</p> <p>(iii) Is it agreed that the scheme has sought to respond to the special qualities of the SDNP in its design, and that taking the scheme as a whole, it has had regard to the purpose 5(1) of the National Parks and Access to Countryside Act 1949 to conserve and enhance the natural beauty, wildlife, and cultural heritage of the SDNP. If not, please explain why?</p>
Q14.2.14	NPSNN The Applicant, South Downs National Park Authority, Winchester City Council, Hampshire County Council	<p>The NPSNN para 5.153 states that: “<i>Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the project will be carried out to high environmental standards and where possible includes measures to enhance other aspects of the environment</i>”.</p> <p>(i) Please summarise your position as to whether the SoS could be satisfied that high environmental standards would be achieved and comment on the inclusion of measures to enhance <i>other</i> aspects of the environment.</p>

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		(ii) Please indicate whether there are any other measures to enhance other aspects of the environment that are still sought, or, in the case of the Applicant proposed, since the submission of the application.
Q14.2.15	English National Parks and the Broads UK Government Vision and Circular 2010 The Applicant	English National Parks and the Broads UK Government Vision and Circular 2010 paragraph 85 states that ‘... <i>Any investment in trunk roads should be directed to developing routes for long distance traffic which avoid the Parks</i> ’. Please explain if this was considered during the options appraisal process as a factor for assessment.
Q14.2.16	Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads The Applicant	The DEFRA Guidance Note ‘Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads’ states that: “ <i>National Park purposes are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of their special qualities by the public.</i> ” There is a statutory duty for relevant authorities to have regard to their purposes: “ <i>in exercising or performing any functions in relation to, or so as to affect land</i> ” in these areas. Please explain how SoS can be satisfied that the grant of consent for the scheme would be consistent with the duty imposed in relation to the purposes of the SDNP to “ <i>conserve and enhance</i> ” various matters.
Q14.2.17	Local Policy The Applicant, South Downs National Park Authority	The consistency of the scheme with Local Plan and other policies was discussed at ISH3. The Applicant’s Written Summary of Oral Case for ISH3 [REP4-036] refers to Table 7.1 Design Response to the Special Qualities of the South Downs National Park in the Case for the Scheme [APP-154]. Please clarify whether all matters set out in that table are regarded as both conserving and enhancing the special qualities of the National Park and that they are agreed
Q14.2.18	Local Policy The Applicant	The ExQ 14.1.12 sought 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. The Applicant’s response [REP2-051] explains that the Level 2 wider economic impacts were quantified based on the relevant Department for Transport, Transport 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. The anticipated wider economic benefits were discussed at ISH3. (i) Please respond to the criticism made by IPs of the use and reliability of the TAG methods. (ii) For the avoidance of doubt, please confirm that the potential stimulus of local development sites and improved land values at the Winnall Industrial Estate with consequential densification of development and economic activity is not a factor that has been quantified or otherwise included as an aspect of the local economic benefits of the scheme
Q14.2.19	Winnall Industrial Estate Winchester City Council	As the main employment are for Winchester, can WCC explain how the proposed application will benefit the Winnall Industrial Estate and what currently limits economic growth.

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Q14.2.20	Climate The Applicant	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] at Appendix A [REP4-040] includes the report from the Transport Select Committee on “Strategic Road Investment” (Published 27 July 2023).</p> <p>(i) In relation to what is stated at paragraph 15 of the submissions, please comment on the significance for this application of the Transport Select Committee report stating that accommodating demand for new roads in the context of increasing forecasts of traffic on the SRN is a risky strategy.</p> <p>(ii) Please comment on whether the M3 Junction 9 scheme is one of the projects that would generate the demand and that this is an issue which the SoS must consider in the decision making.</p>
Q14.2.21	Climate The Applicant	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 3.2 includes criticism of the information provided to the Examination in relation to various matters including the calculation of the cost of the construction GHG emissions from the scheme and how this has been put into the BCR calculation, and differences between the calculation of the GHG emissions from operation of the scheme and the calculation of the economic benefits for the scheme. Please can you respond to the points raised by Dr Boswell in this section of his submissions.</p>
Q14.2.22	Climate Hampshire County Council	<p>The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 4 includes criticism of the HCC’s position as stated at ISH3 that the scheme is consistent with the policies in the current local transport plan and the emerging local transport plan. Please respond to that criticism and confirm and explain your position in relation to the consistency of the scheme with HCC’s local transport policies.</p>

15. Population and Human Health		
Q15.2.1	Health Impact Report Hampshire County Council	The HCC LIR [REP2-066] stated that a full health impact report would be beneficial. The applicant in their response to the LIR [REP3-023] and at ISH2, stated that it is best practice to consolidate all health considerations and therefore all matters have been assessed. Please confirm that this is acceptable and if not how this matter should be taken forward.
Q15.2.2	Wider Public Health Impacts Hampshire County Council	The HCC LIR [REP2-066] stated that considerations beyond the red line will also be important for the scheme in relation to public health impacts and outcomes. Please detail what these may be and how it is suggested the applicant incorporates these into the ES.
Q15.2.3	Key Community Assets Hampshire County Council	HCC in their LIR report para 9.2.3 [REP2-066] state that the inclusion of connectivity, active travel routes, PROW, landscape areas and tree planting are not recognised as key community assets within table 12.8 of the document and the County Council would consider these routes to be community assets. Please provide further information as to why this is considered to be required and also comment on the likely impact of this change would have on the overall application.

16. Traffic and Transport (Including Public Rights of Way)		
Q16.2.1	Journey Time Savings The Applicant	The current journey time savings detailed in the application for the important Solent to Midlands route are between M3 J10 and the A24/A272 junction. Please provide a journey time saving assessment showing the potential change in journey times between the Solent and Midlands that will be seen as a result of the proposed improvement to M3 Junction 9 and in light of the current route strategy and understanding of the emerging RIS3 programme aims.
Q16.2.2	Journey Time Savings The Applicant	In the Applicant Written Summaries of Oral Case for Issue Specific Hearing 2 (ISH2) - Appendix A, paragraph 1.3.9 [REP4-035], the applicant has stated that it is challenging to find a similar junction to draw a comparison of journey time savings. The ExA would request that the applicant reviews the applications for the M25 Junction 10 and M25 Junction 28 schemes and provides a simple summary of the maximum journey time savings shown in future years for these schemes.
Q16.2.3	Rail Freight Shift The Applicant	In May 2023, the operators of Southampton Port, DP World, issued information regarding a trial to incentivise freight transporters to use rail for moving freight in a 140mile radius of Southampton, including to Birmingham/The Midlands. Within this initiative DP World suggest they believe there is capacity to increase rail usage from 25% to 40%. (This is detailed in Winchester Action on the Climate Crisis Deadline 4 Submission - Responses to any further information requested by the ExA [REP4-050]) Please provide a traffic modelling assessment and journey time savings assessment through M3 junction 9 that this change would have on the do minimum and do something scenario in 2027 and 2047. Please also provide updated modelling to show the impact of the predictions of modal shift detailed in the joint Network Rail/National Highways Solent to Midlands Strategy.
Q16.2.4	Combined appraisal The Applicant	In the Combined Modelling and Appraisal Report, paragraph 5.5.8 and table 5-8 [REP1-025] state that there will be indirect tax benefit over the 60-year appraisal period of £5.66m including vehicle operating costs but specifically related to fuel tax revenues. In light of the 2030 ban on new petrol and diesel car sales and the Office of Budget Responsibility's assessment of direct fuel duty income reductions, can the applicant detail how this predicted reduction in fuel duty has been accounted for in the economic appraisal. Please also give full details of how the £5.66m benefit has been built up.
Q16.2.5	Combined appraisal The Applicant	Q16.1.14 of ExQ [PD-008] requested details of the risk allowances made in the scheme estimate in the absence of using optimism bias. This was not detailed in the Applicants response [REP2-051], therefore please provide an explanation to how WebTag adopts the Treasury Green Book required approach to risk and optimism bias and provide the ExA with detailed information of how the current scheme estimate sufficiently includes for full costs of the proposed project, including the percentage of risk allowance that contributes to the scheme cost that has been used in the economic appraisal and BCR assessment.

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Q16.2.6	Combined appraisal The Applicant	Please explain why, in paragraph 5.4.1 of the Combined Modelling and Appraisal Report [REP1-025], the economic appraisal scheme cost excludes spend to date (prior to 2022). Please also reference the answer to ExQ Q14.1.13 [REP2-051] which stated that all the pre-construction activity costs have been included in 'preparation costs'; which seems to contradict the ES.
Q16.2.7	Combined appraisal The Applicant	ExQ Q14.1.15 [PD-008] asked how the value of environmental impacts for the BCR had been derived. Please explain in further detail how the air quality benefit of £4.7m have been derived over the 60 year assessment period, please make reference to the ComMA Data Annex of the Combined Modelling and Assessment report [REP1-025] which details an increase in NOx and PM10. Please explain the geographical area of assessment included in the air quality benefits assessment and if habitat air quality changes are included and if not, why not.
Q16.2.8	Combined appraisal The Applicant	In relation to the economic assessment for safety, please give a full explanation of how the wider area of influence has been assessed and how that area was chosen. Please also explain how it is possible to forecast, in the detail given, such that over £8m will be saved in this wider area based on the upgrade of M3 junction 9.
Q16.2.9	Combined appraisal The Applicant	Please provide a plan which details the individual junctions within the immediate area of influence that have been used to assess the changes to safety and explain why explain there is a forecast increase in accidents and fatalities at these junctions as a result of the proposal, as detailed in Table 5-16 of the Combined Modelling and Appraisal Report [REP1-025].
Q16.2.10	Combined appraisal The Applicant	Please provide a version of Tables 5-15 and 5-16 of the Combined Modelling and Appraisal Report [REP1-025] relating to the application boundary only for the period 2015-2019 and also the period 2012-2021.
Q16.2.11	Combined appraisal The Applicant	Please explain the geographic extent of the data in table 2-1 (Collision Data by Year (2015-2019)) of the Combined Modelling and Appraisal Report [REP1-025]. Please provide a version of this table for the following geographic are covering the period from 2012-2021: <ul style="list-style-type: none"> • The application boundary • The Immediate area of influence (used in the benefits analysis) • The Wider area of influence (used in the benefits analysis)
Q16.2.12	Combined appraisal The Applicant	Appendix F of the Combined Modelling and Appraisal Report [REP1-025] details various ComMA data which have been used within the BCR assessment. Tables 5, 6, 7 and 8 refer to safety data. Please explain how this data has been calculated and used to derive cost benefit and also explain how an assessment can be made of such large number of casualties relative to the observed data. For example, table 6 shows that over 60 years some 157 fatal casualties have been assessed (without

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		scheme), which seems significantly higher than the 10 year period (2012-2021) of observed collisions suggests.
Q16.2.13	Combined appraisal The Applicant	Please explain if there is an observed and researched statistical difference in safety between traffic controlled gyratories and free flow gyratories. Please explain if the change from a signal controlled to free flow Junction 9 gyratory has been assessed in detail and how this impacts on predicted collisions and also the safety of non-motorised users.
Q16.2.14	Combined appraisal The Applicant	In response to ExQ Q14.1.2 [REP2-051] regarding how other schemes in the RIS programme had been included in the traffic modelling, the applicant's reply stated that the current Safety Barrier Improvement Scheme between Junction 9 and 14 of the M3 had been considered as part of the future baseline. Please explain what impact this scheme is forecast to have on the traffic modelling and safety assessment for the application.
Q16.2.15	Combined appraisal The Applicant	Please provide a comparison of BCR for the application and other junction improvement schemes in the RIS1 and RIS 2 programme, please also provide details of the average BCR of the RIS1 and RIS 2 junction improvements within the programmes.
Q16.2.16	Traffic Model The Applicant	In the Applicant written summaries of oral case for Issue Specific Hearing 2 (ISH2) [REP4-035], the applicant has detailed a sample of observed traffic data on M3 pre and post Covid-19. Please explain if there are any proposals to update WebTag guidance to reflect potential changes in traffic growth following Covid-19 or if the applicant is suggesting that the sensitivity test showing a low growth scenario is reflective of emerging observations.
Q16.2.17	Traffic Model The Applicant	Please provide Annual Average Daily Traffic (AADT) forecast for the Do Minimum and Do Something forecasts for 2027, 2042 and 2047 using the same format as used in the application (eg Combined Modelling and Appraisal Report, Appendix C, Flow Difference Plots [REP1-025]). Please also show the percentage of HGVs at each location of traffic data.
Q16.2.18	Traffic Model The Applicant	In the Applicant Written Summaries of Oral Case for Issue Specific Hearing 2 (ISH2) – Appendix A [REP4-035], the applicant has detailed HGV flow analysis on the M3 south of Junction 9. Please confirm if this is in a link between junctions 9 and 10 of the M3 and explain why the traffic figures differ from those shown in this location in the application documents. Please also confirm if the data in tables 1 and 2 refer to the Solent Port or a wider Solent Area, if this is data for the wider Solent Area, please provide the same tables with HGV data from the Solent Port.
Q16.2.19	Traffic Model The Applicant	Please provide a junction forecast for the A272 Spitfire Link/A31 Petersfield Road/A31 St Catherine's Way Roundabout in the same format as Table 4-13 and 4-14 of the Combined Modelling and Appraisal Report [REP1-025]

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Q16.2.20	Traffic Model Hampshire County Council, Winchester City Council	In the Applicant Written Summaries of Oral Case for Issue Specific Hearing 2 (ISH2) – Appendix A, paragraph 1.5.3 [REP4-035], the applicant has provided traffic data to show the change in traffic flow on the Hockley Link. Please comment on how you see this affecting the local highway network and impact on pedestrian crossings.
Q16.2.21	Traffic Model Hampshire County Council	At ISH2, HCC confirmed that they had validated the Junction 9 traffic model used by the applicant for assessment of the proposed improvements. Can HCC please provide details of how this validation was undertaken and what results were produced that confirmed it was acceptable to them.
Q16.2.22	Junction 9 Pinch Point Scheme The Applicant	Paragraph 3.2.2 of the Transport Assessment [REP1-028] details a recent Pinch Point Scheme undertaken at Junction 9. Please provide the scheme details, including plans, and detail when it was completed, why was it undertaken, what monitoring has been undertaken on traffic movements and what collision data has shown since implementation. If there is a post-construction report and safety audit, please also provide this.
Q16.2.23	Other improvement schemes The Applicant and Hampshire County Council	Please give details and dates of all improvement schemes, in addition to the detailed Pinch Point Scheme in Q16.2.22, that have been undertaken within the application boundary since the project was included in the Road Investment Strategy in April 2015. Please detail the objectives and outcomes for each implemented scheme.
Q16.2.24	Legal Status of NMU Route The Applicant, Hampshire County Council	In their Deadline 4 post hearing submissions following ISH2 [REP4-045], HCC stated that they expected the new NMU route between The Cart and Horse Junction and Easton Lane to be an adopted footway/cycleway. Please confirm if this is agreed and confirm that the dDCO will be updated accordingly.
Q16.2.25	Public Rights of Way The Applicant	Please provide a single plan/document summarising the changes to the PROW network including a schedule of widths, legal status and proposed maintaining authority.
Q16.2.26	Winchester Movement Strategy Hampshire County Council, Winchester City Council	The Winchester Movement Strategy has been highlighted in LIRs and at the ISHs. Can HCC and WCC explain what traffic modelling has been undertaken to assess the changes that the strategy could deliver on traffic volumes, travel times across the city, road safety and air quality.

17. Waste and Material Resource		
Q17.2.1	Earthwork Volumes The Applicant	Please update the ExA on the latest predicted cut/fill surplus from earthworks operations. The application documents detail 65,000m ³ of surplus material to be transported off site, have design refinements or other considerations resulted in this being reduced?
Q17.2.2	Waste Recovery The Applicant	Please confirm that the percentage of recoverable waste (by weight) in paragraph 10.9.6 of ES Chapter 10 Material Assets and Waste [REP2-025] is correct at 85% and please provide a table that replicates table 10.16 showing waste by weight, this table should detail the overall recovered percentage which is currently missing from table 10.16.