

Date: 14 September 2023
Our ref: 449232
Your ref: M3 Junction 9 Improvement



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear Sir or Madam,

M3 Junction 9 Improvement Scheme, Winchester SO23 7TY

The Examining Authority's second round of written questions and requests for information

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Thank you for your consultation with Natural England as part of the Examining Authority's second round of written questions. Please find below Natural England's response.

Q2.2.1 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.

Natural England have recently provided comments to the applicant's deadline 4 submissions and we consider progress has been made towards addressing our concerns regarding air quality, in line with the ISH2 document.

However, although the methodology for modelling and assessing the impacts is improved, we continue to have concerns with the in combination assessment and with the conclusion that the proposed development would not result in Adverse Effect on Integrity (AEOI) on the River Itchen Special Area of Conservation (SAC) or a significant impact on the assessed Special Sites of Scientific Interest (SSSIs). Further evidence is required, considering the ecological impact of the pollutants on the qualifying features of the sites, and whether they would undermine any conservation objectives. Excluding an impact based purely on the size of the process contribution is not appropriate – a consideration of the relevant critical levels/ loads (and whether there would be exceedance), the footprint of any impact, the sensitivity of the qualifying feature to the pollutant and any modifying factors that could make them less sensitive etc is required to reach such a conclusion. The source attribution data is reasonable to include within this assessment - however, the fact that road transport contributes nearly 10% of the Ndep to an identified SSSI indicates that traffic is a locally relevant source contributing to the background deposition and the proposed development is increasing that contribution, so mitigation may be required.

Specifically in relation to the impacts on chalk grassland – such habitats are sensitive to N deposition (and the applicant has used an outdated critical load in their revised assessment which we have raised in our response to their deadline 4 submission (Appendix 8.3...[REP4-020].) The sites are exceeding their lower critical loads according to APIS, so the addition of >1% of the CLo does require consideration as to whether this could affect the qualifying features. As outlined on the Air Pollution Information System (APIS) webpage for [Nitrogen Deposition: calcareous grassland](#), availability of phosphorus (P) could be a limiting factor to some species, in some habitats, so this could influence the conclusion reached, on a site-specific basis. A site survey looking at the presence of different grass species (for example) – as outlined in APIS - could indicate to what extent the more nitrogen-tolerant species have outcompeted other species, reducing species diversity. If impacts are only observed at the road edge, consideration needs to be made as to whether the road edge is qualifying feature and therefore if additional pollution here is adversely affecting this feature.

The applicant's post-hearing note indicates that although not "mitigation", 9ha of additional chalk grassland habitat is provided. Although additional habitat provision is welcomed, Natural England agrees this land is not mitigation as provision of habitat to offset for impacts arising at a different location would be deemed compensation. Should an adverse effect be identified to designated sites, mitigation should be considered in advance of compensation in line with the mitigation hierarchy.

Q5.2.4 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.

Natural England have recently provided comments to the applicant's deadline 4 submissions and we consider progress has been made towards addressing our concerns regarding air quality.

However, as outlined in our response to Q 2.2.1 above, we continue to have concerns with some elements of the air quality assessment, and as such we cannot be fully satisfied with the HRA. In our recent response to the deadline 4 submissions we have set out where we consider further evidence should be provided to address these concerns.

Natural England continue to engage with the applicant and will be happy to provide further comments as necessary going forwards.

If this raises any questions please do not hesitate to contact me.

Yours sincerely

Mary Bell
Sustainable Development Senior Adviser
Thames Solent Team
Natural England