

22 September 2023

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

Dear Madam / Sir,

M3 Junction 9 Improvement Scheme – TR010055

Reference: M3J9-EIA064

For Deadline 5 (D5), the South Downs National Park Authority (SDNPA) would like to make the following submissions.

- Appendix A – response to ExQ2
- Appendix B – as requested, the SDNPA’s suggested amendments to the DCO and other documents
- Appendix C – Michelle Bolger Expert Landscape Consultancy – Landscape Briefing Note 02 – Deadline 5

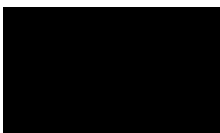
Draft Design Principles

Ahead of their formal submissions at Deadline 5, the applicant has provided the SDNPA with a copy of a ‘draft design principles’ document (received on 12th September). The SDNPA will provide a response at Deadline 6.

Statement of Common Ground

As stated previously, the SDNPA understands that the additional / further information requested by us (and during the ISH) will be submitted by the applicant at Deadlines 5. With the exception of the ‘Design Principles’ referred to above, the SDNPA is waiting to view that further information. Therefore, the SDNPA will work with the applicant to ensure an updated Statement of Common Ground (SoCG) is submitted to the Examining Authority at Deadline 6 so this information (the applicant’s submissions at Deadline 5) can be considered and the SoCG updated accordingly.

Yours sincerely

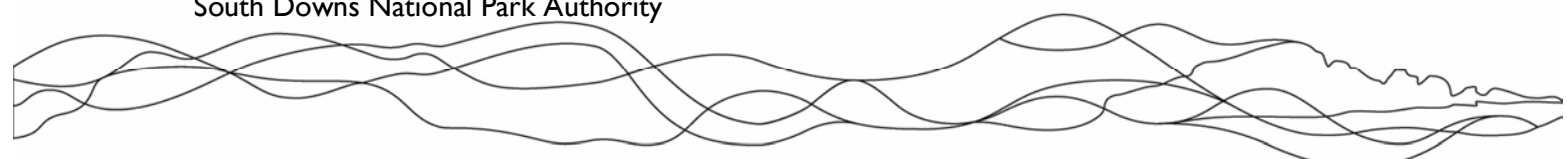


Kelly Porter
Major Projects Lead
South Downs National Park Authority

South Downs Centre, North Street,
Midhurst, West Sussex, GU29 9DH

T: 01730 814810
E: info@southdowns.gov.uk
www.southdowns.gov.uk

Chief Executive: Trevor Beattie



Appendix A

Response from the South Downs National Park Authority to the Examining Authority's written questions and requests for information (ExQ2)

The South Downs National Park Authority's (SDNPA) response to the questions asked of it are contained in the table below, against the Examining Authority's original question for ease of reference. These responses are provided for Deadline 5 of the examination (22 September 2023).

Question Reference	Examining Authority Question	SDNPA 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.	The SDNPA understands that Natural England will be responding separately at Deadline 5 and they will be providing more detailed comments. However, they will be confirming that there are still some outstanding queries, so at the present time Natural England still have some concerns about the assessment and its conclusions. The SDNPA would support Natural England in its position (as this does relate to the sensitivity of Chalk Grassland and our on-going concerns regarding such mitigation measures are well managed to ensure their long-term success).
Q4.2.3	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.	As set out in our submissions, the South Downs National Park (SDNP) is a high sensitivity landscape receptor and the harm caused would be of medium magnitude. Therefore, the proposed compound would result in a moderate major adverse, short-term impact. The proposed advanced planting in this area relates only to the screening of the haul road and does not mitigate the harm of the compound itself. The SDNPA does not have any outstanding

Question Reference	Examining Authority Question	SDNPA Response
	<p>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.</p>	<p>concerns with regard to the proposed reinstatement although it is to be noted that only part of the land will be reinstated to agricultural land (which is capable of being restored to the existing Open Downland) whilst the remainder will become part of the proposed highway woodland planting.</p> <p>Again, as discussed previously, the SDNPA is of the opinion that further work could be done to reduce the overall size of the proposed compound, if the ExA agrees that this location is acceptable. Such measures include a Workers Travel Plan (to reduce the overall number of car parking spaces proposed within the compound), providing alternative locations for some administration / other facilities that do not necessarily have to be located within the proposed compound and providing 'living' hoardings. Further details are provided in response to the questions below.</p>
Q4.2.12	<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 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.</p>	<p>Whilst the SDNPA acknowledges the location of Badger Farm is approximately 4 miles to the proposed work site and</p> <ul style="list-style-type: none"> • may require the use of low loaders to transport certain equipment to site, and • lacks sewage connection. <p>These issues were not considered to be unsurmountable issues for other National Highways Teams using the existing compound at Badger Farm (both the 'smart motorway' Team and current 'central reservation work' Team) and working in the same / close to area of the proposed works.</p> <p>In terms of 'travel distances', the SDNPA does not consider this to be a significant difference (approx. 4 miles), especially given</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>the proposed access arrangements and travel distances (approx. 2.5 miles) just to get to and from the proposed Site A (referred to as Work no: 49 within the application documents).</p> <p>The SDNPA acknowledges the need for closer welfare facilities, if the main uses for a compound (admin, briefing, parking, material storage etc) is met by a site outside of the National Park, then the footprint of some welfare units (for example 2 x cabins) and an area for mini-buses or other shared transport to set down and pick up would be much smaller. These types of facilities might also be able to be accommodated in the same general location as Site A but outside of the National Park boundary.</p>
Q6.2.3	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]	<p>The SDNPA notes the contents of this report and the anticipated greenhouse gas emissions arising from the proposed scheme. Whilst it is acknowledged that these forecast emissions represent a very small percentage of the country's overall carbon budget the absolute figures (i.e. the tonnes of CO₂ anticipated to be emitted by the scheme per year) are large. These figures are only likely to increase with the Government's recent decision to push back the ban on the sale of new petrol and diesel cars from 2030 to 2035. Ultimately the Green House Gases emitted by the scheme are for the Examining Authority and Secretary of State to consider and weigh in the planning balance.</p>
Q6.2.23	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	The SDNPA accepts the applicant's response in REP4-036.

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	<p>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.</p>	<p>However, there are still outstanding concerns regarding management and monitoring. The current version of the fiEMP says at LV22</p> <p><i>During the establishment aftercare period and beyond, environmental features (including soft landscape features) will be routinely inspected and monitored to ensure compliance with Appendix 7.6 (OLEMP) of the ES (Document Reference 6.3), and future LEMP. During the establishment period monitoring for establishment of newly created landscape elements will take the form of quarterly inspection in the first two years, followed by annual inspections in the following three years after seeding/planting.</i></p> <p>As previously raised, given the known difficulty in establishing chalk grassland, which will be exacerbated on the lower embankment slopes due to the presence of tree / shrub planting on the upper embankment slopes more intensive monitoring during the establishment period will be required and that period should be for 5 rather than 2 years. Also see the Table of suggested amendments set out in Appendix B.</p>
Q8.2.1	<p>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.</p>	<p>The SDNPA does not agree with this assessment as it is based on the Applicant's conclusion that there are no long-term significant landscape effects.</p> <p>The SDNPA disagrees with this conclusion and does not consider that the loss of land within the SDNP to the scheme, the permanent changes to topography, the introduction of uncharacteristic features such as the attenuation basins and visibility of a number of these changes from St Swithun's Way</p>

Question Reference	Examining Authority Question	SDNPA Response
		can be properly described as ‘very minor loss or detrimental alteration to one or more characteristics, features or elements’.
Q9.2.4	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?	<p>The SDNPA would highlight that the applicant is incorrect in its written note of the responses during ISH. Under Item 4(iv) (on page 15 of REP4-034) – all of the proposed drainage basins / attenuation ponds are within the National Park, not just Basins 5 and 6 referred to.</p> <p>In acknowledging that the 5m LoD sought only refers to Works 1j and 1m, and stated previously, it is the SDNPA’s view that the proposed attenuation ponds / basins are incongruous features and ultimately cause harm. Any harm caused should be mitigated (if it cannot be avoided) and therefore the LoD should be limited as much as possible.</p> <p>Ultimately the extent of the LoD is for the Examining Authority and Secretary of State to consider and weigh in the planning balance.</p>
Q9.2.9	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 works the Applicant would not have power to do so. This matter	<p>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p> <p>The SDNPA is waiting for the applicant’s response to our suggested amendment.</p> <p>It is the SDNPA’s position that our suggested amendment provides further clarity on this issue.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>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>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>	
Q9.2.15	<p>including advance planting and the addition of Requirement 5(3)(g) to include fencing and walls etc [REP4-047]. (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? (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</p>	<p>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p> <p>The SDNPA has suggested that Requirement 7 is deleted completely and that all fencing (permanent and temporary) and other means of enclosure should be approved under Requirement 5.</p> <p>It is the SDNPA's position that our suggested amendment provides further clarity on this issue.</p>

Question Reference	Examining Authority Question	SDNPA Response
	the proposed amendment to Requirement 5(3)(a) can be justified?	
Q9.2.16	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>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p> <p>The SDNPA is waiting for the applicant’s response to our suggested amendment.</p>
Q9.2.17	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 “agreed” 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	<p>In correspondence with the applicant they have indicated their Deadline 5 submission will include the following amendment to Requirement 9(6)</p> <p>‘On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be <u>agreed</u> discussed with the City Archaeologist’.</p> <p>If this drafting is included in the applicant’s Deadline 5 submission, then the issue of the need for a s.106 agreement to secure a financial contribution towards archive deposition will no longer be pursued by the SDNPA.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>[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>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>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p> <p>The SDNPA is waiting for the applicant's response.</p> <p>It is the SDNPA's position that a Construction Workers Travel Plan is needed and is something the SDNPA should be consulted on. This issue is also linked to our concerns around the location and size of the proposed Compound as having a Construction Worker Travel Plan could reduce the need for a significant number of car parking spaces proposed at the Compound Site.</p>
Q9.2.19	<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]</p>	<p>As set out in our covering letter, on 12th September the applicant provided the SDNPA with a 'draft design principles'</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>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>document (we understand that it will be formally submitted by the applicant as part of their Deadline 5 submission).</p> <p>The SDNPA will provide a detailed response at Deadline 6.</p>
Q9.2.22	<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>The SoCG between the Applicant and WCC [REP4-030] sets out the proposed changes to accommodate the concerns as follows: “14.—(1) No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the</p>	<p>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p>

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	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.” Please provide any specific further drafting changes that you seek	
Q9.2.23	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>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p> <p>The SDNPA is waiting for the applicant’s response.</p>
Q9.2.24	<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>Please provide further justification for seeking this requirement and indicate whether you are content in</p>	<p>The SDNPA has provided all of its suggested changes to the DCO (and associated documents) in a single Table, as requested by the Examining Authority. The Table is attached at Appendix B.</p> <p>It is the SDNPA’s position that paragraphs 2.8.8 to 2.8.10 of the ES Chapter 2 [APP-043] are not sufficient to address our concerns. The wording in the DCO still refers to ‘written landscaping scheme for that part’ and that could lead to confusion. The DCO should be amended to include the formal submission of a phasing plan (which can identify in plan form and in a schedule of works, the phases referred to in Paragraphs 2.8.8 – 2.8.10).</p>

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	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].	
Q9.2.27	<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: 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>As set out in our submissions, and as highlight in our responses to these questions, it is the SDNPA's position that the scheme will result in significant adverse and permanent harm.</p> <p>The provision of funding would go some way to mitigate the harm and, in some instances, could remove part of our objection. For example, funding towards the Cart and Horses junction and funding towards other rights of ways of improvements will help to address our concerns about access / rights of way. Funding towards enhancements to the River Itchen will help address water quality / ecological concerns.</p> <p>However, given the location and the linear nature of the scheme, it will always cause landscape harm. That harm can be ameliorated, at an appropriate scale, but funding towards these projects would never completing remove our objection.</p>
Q11.2.3	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	Please see response to Q.9.2.17

Question Reference	Examining Authority Question	SDNPA Response
	<p>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</p>	
Q11.2.4	<p>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?</p>	<p>Please see our response submitted at Deadline 4 (document Reference REP4-047) which states that the SDNPA can confirm that the amendments made to the Archaeology and Heritage Outline Mitigation Strategy (document reference REP3-017) and First Iteration Environmental Management Plan (document reference REP3-019) submitted at Deadline 3, have addressed a number of our concerns.</p>
Q12.2.1	<p>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 ISHI. The Applicant's written summary of oral submissions for ISHI [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</p>	<p>Please see response in covering letter and our response to Q9.2.19</p>

Question Reference	Examining Authority Question	SDNPA Response
	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	<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: 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>The Applicant has made no changes at Deadline 4 that alter the conclusion of the SDNPA that significant adverse effects on the SDNP would remain at year 15. The residual effects include:</p> <ul style="list-style-type: none"> • Loss of open downland landscape to the highway; • Loss of the natural flowing topography due to the deposition of fill; • Total loss of landscape character for the area between White Hill Cottage, the M3 and Easton Lane due to loss of land to new slip roads, attenuation basin 5, changes to topography and woodland planting required to screen the above from the SDNP; • Loss of continuity of landscape character either side of the area between White Hill Cottage, the M3 and Easton Lane; • Permanent harm to views from the west, in particularly from St Swithun's Way from where there will be increased views of traffic and noticeable changes to the landform which will not appear natural, and • Reduction in tranquillity. <p>In REP4-034 <i>Deadline 4 Submission - 8.13 Applicant written summaries of oral case for Issue Specific Hearing 1 (ISH1)</i> the</p>

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		<p>Applicant has prepared <i>Appendix A – Attenuation basin 5 and landscape design relationship to landscape character</i>.</p> <p>In this appendix, the applicant argues that planting proposed for the area around Basin 5 will not be uncharacteristic because this area, identified as East Winchester Open Downs LCA in the SDNP South Downs Landscape Character Assessment is also identified as within The Itchen Valley LCA in the Hampshire Integrated Landscape Character Assessment.</p> <p>As a consequence, the applicant suggests, the proposed woodland planting would not appear inappropriate. The SDNPA has submitted at Appendix C an additional response from Michelle Bolger Expert Landscape Consultancy, on behalf of the SDNPA, that sets out in detail why the SDNPA does not accept this argument and does not consider that it lessens the residual effects on this part of the SDNP.</p>
Q12.2.3	<p>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 “sympathetically designed earthworks which reflect the existing landform in supporting visual screening and integrating the highway corridor into its landscape context” and that “the siting</p>	<p>Please also see response to Q12.2.2. The special qualities of the SDNP that would be permanently affected by the adverse residual effects set out above are:</p> <ul style="list-style-type: none"> • An environment shaped by centuries of farming and embracing new enterprise, and • Diverse, inspirational landscapes and breathtaking views. <p>There would be some permanent beneficial effects on opportunities for recreational activities.</p> <p>Paragraph 3.1.27 of the SDNPA’s Written Representation sets out additional mitigation / compensation that the SDNPA considers is necessary to compensate for the permanent harm to</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>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”. These matters were discussed at ISH2.</p> <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>	<p>the SDNP. These are set out again below. Bold text shows where they have been amended where necessary:</p> <ul style="list-style-type: none"> • Prioritising the creation of natural landforms (throughout design and implementation) on regraded areas including attenuation ponds, bunds etc, to avoid the creation of over engineered landforms; • Removal of chalk where its deposition would result in unnatural forms to other sites in the SDNP where it would be welcomed; • Widening of the proposed tree belts along the eastern edge of the new alignment and moving them from the upper slope of the embankments to the top; • Extension of the restored chalk grassland to the east of the new alignment to the order limits; • Provision of an alternative pedestrian route though the restored chalk grassland that is further from the M3 carriageway than the one currently proposed; • Relocating the central construction compound outside the National Park; • A commitment to extend the use of ‘low noise road surfacing’ to existing sections of the M3 throughout the order limits (or even wherever the M3 runs through or adjacent to the National Park), and • A clear commitment to minimise gantries for signage as far as possible.

Question Reference	Examining Authority Question	SDNPA Response
		<p>Please see responses to other questions related to the Construction Compound. With regards to other potential mitigation for the Compound. Hoarding is mentioned to screen the site. However, a commitment to install 'living hoarding', such as that developed by Bioteecture. Can help to reduce the level of machinery and vehicle noise coming from the site, alongside improved air quality thanks to the removal of dust, dangerous particulates and harmful pollutants from the air by the plants, creating a healthier environment for those working on site.</p> <p>Living hoardings can also aid biodiversity, providing valuable forage for pollinators such as butterflies and bees, reducing the effect of the works and compound on biodiversity.</p>
Q12.2.5	<p>In relation to advance planting the Applicant's written summary of oral submissions for ISHI [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>	<p>The applicant has not provided the SDNPA with any updated / amended information. If further information is provided at Deadline 5, the SDNPA will respond at Deadline 6.</p> <p>The SDNPA does acknowledge that some additional details were provided at Deadline 3 (REP3-023) - 8.9 Applicant Comments on Local Impact Reports which showed advanced planting along Spitfire Way.</p> <p>The SDNPA has not currently identified any additional areas where advance planting could be accommodated (partly as there is little room to achieve such planting).</p> <p>The SDNPA also notes that the FiEMP at LVI6 lists plots that will be subject to advance planning but no information on timings is given. In addition, there is no reference to advanced planting in</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>Appendix 7.6: Outline Landscape And Ecological Management Plan</p> <p>This needs further clarification and / or the documents need to be amended.</p>
Q12.2.6	<p>The Applicant’s written summary of oral submissions for ISHI [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: “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”.</p> <p>In addition, paragraph 1.5.5 states that: “The location of the proposed cabins at the lower ground level to the north of the compound reduces the visibility of these temporary structures.”</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>There have been no further discussions with the applicant on this issue.</p> <p>The cabins which are located on the lower land are up to 3.5m high, but the storage which is located on the higher land is also up to 3.5m. The storage may be less permanent than the cabins but it has the potential to appear more cluttered. Both cabins and storage will be visible from Easton Lane within the SDNP. They will be seen beyond the 2.2m close boarded fence which in itself will appear incongruous. It is accepted that the close boarded fence will screen views of parked cars.</p> <p>However, the Compound layout plan in Appendix D does not show the entrance from A272, whether that will require any vegetation removal and where the office mentioned in paragraph 1.3.17 will be located.</p> <p>If the Examining Authority agrees to Site A for the Compound, then yes the SDNPA would like to see the DCO amended to include height limits and prevent the use of double storey units.</p> <p>The SDNPA would also like to see a commitment to the use of ‘living hoardings’ (as referred to in response to Q.12.2.3) and further mitigation through the use of the Construction Worker Travel Plan to further reduce the amount of car parking required on Site A.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<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>	

Question Reference	Examining Authority Question	SDNPA Response
Q12.2.7	<p>The Applicant's written summary of oral submissions for ISHI [REP4-034] includes Appendix D - Indicative construction layout. (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). (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>	<p>Please see response to Q12.2.6.</p> <p>Whilst the degree of cut and fill required does not appear excessive it is a simplified section and a reminder that there will be a constant need to reprofile land within the compound because of the existing rolling topography for features such as access roads, car parking etc. Whilst it is possible to reprofile this at the end of the construction period it is generally impossible to restore to the natural ground profile.</p>
Q12.2.8	<p>The Applicant's written summary of oral submissions for ISHI [REP4-034] Appendix C – Construction Compound Position Paper Table I: 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>	<p>It is the SDNPA's position that a Compound is not required in this location. However, we do accept there may be a need for some welfare facilities please see response to Q4.2.12.</p>
Q12.2.9	<p>The Applicant's written summary of oral submissions for ISHI [REP4-034] Appendix C – Construction Compound Position Paper In relation to car parking at Table I indicates that 30 spaces would be used at a locally sourced rental area and that this represents a</p>	<p>Please see previous responses to questions relating to the Compound and its impact on SDNP.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>proportionate approach to reducing the impact on the SDNP. However, the scheme still seeks 360 parking spaces for the construction. (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. (ii) Please comment on the extent of the area that the Applicant requires and the impact of that upon the SDNP.</p>	
Q12.2.11	<p>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.</p>	<p>Under Item 4(v) of [REP4-034] the applicant says that the additional conversion of chalk grassland is enhancement rather than mitigation. As set out above (and in previous submissions) the SDNPA considers that there will be permanent harmful effect on the SDNP which the current proposed mitigation will not reduce to non-significant effects.</p> <p>Creation of chalk grassland is acknowledged as one of the few enhancement measures that are achievable in this part of the SDNP. The SDNPA considers that it is the key compensation measure that could be achieved that would help to offset the harm to the SDNP.</p> <p>The applicant's comment regarding the 'Best and Most Versatile' land does not appear to be relevant as there is already a proposal to convert this area as part of a designated funds project.</p>
Q12.2.12	<p>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</p>	<p>The SDNPA was aware of the Outline Landscape and Ecological Management Plan (OLEMP) (Appendix 7.6) of the ES [APP-102] when the queries were raised with respect to the management of the lower embankments alongside the M3 as Chalk Grassland.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>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?</p>	<p>The applicant has provided no additional information either regarding the method of tree planting to be adopted on the upper embankments or the measures to be taken to ensure that the presence on the trees will not harm the development of the chalk grassland through leaf fall, soil creep or scrub invasion.</p> <p>As set out with regard to Q6.2.23 above the SDNPA considers that more intensive monitoring of the chalk grassland on the lower slopes of the embankment would be required. There is a discrepancy between the fiEMP that says that the establishment period would be two years and OLEMP which says it should be 5 years.</p> <p>The SDNPA considers it should be 5 years and that during that time there should be scrub management at least twice yearly. This may become an increasing problem as the trees and shrubs on the upper slopes establish.</p>
Q12.2.14	<p>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.</p>	<p>As set out in previous submissions the SDNPA has concerns about the legal status and future management of the proposed improvements and how this would be secured through the DCO.</p> <p>The SDNPA welcomes the Examining Authority's request to the applicant to provide this information in a single document.</p> <p>As discussed at the ISH, for example simply declaring the NMU route a 'cycle track' is not really sufficient. The definition of 'cycle track' is hazy when compared to 'bridleway' and does not always confirm the route's use by pedestrians. Notwithstanding equestrian modifications, classifying the route as a 'bridleway' is</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>much simpler and much clearer and would serve to connect the two ends of the severed bridleway as is.</p> <p>The SDNPA will provide a more comprehensive response once it has had an opportunity to consider the applicants submission.</p>
Q14.2.1	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	The SDNPA acknowledges the regional benefits that such a proposal could provide. However, the SDNPA is not aware of any benefits to the economy of the National Park and we have not undertaken any cost assessments. We are also not aware of any such assessment being available either as part of the application documents or by another 3 rd party.
Q14.2.2	Can SDNPA state if they agree that as stated in 3.1.11 of Case for the Scheme [REPI-019] that the existing M3 Junction 9 is ‘...a substantial barrier to connectivity in relation to the South Downs National Park and walking, cycling and horse-riding...’ and if so, do they believe access could be improved without the implementation of the proposed application.	<p>Yes, the SDNPA does acknowledge (as set out in our Local Impact Report) that the M3 Junction 9 does present a barrier to walking /cycling, primarily on crossing it from the A34 approach as there is no pedestrian phase on the traffic lights, and no easy way to see the lights for a pedestrian, leading to a crossing that feels particularly perilous. Additionally, the approach from Spitfire link is not signalised, so attempting to cross there would be even more hazardous.</p> <p>The existing subway makes the route to and from Easton Lane easier, though the section on the bridge beside the live carriageway could be a barrier to use due to perceived safety issues.</p> <p>Improvements to access could be made without the proposed scheme. However, the proposal to amend this junction / road layout presents the greatest opportunity to provide significant</p>

Question Reference	Examining Authority Question	SDNPA Response
		benefits and reduce the current severance between Winchester City and the National Park.
Q14.2.8	<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>(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>The SDNPA notes the responses to the five questions and is grateful, in particular, for clarification of the NPV of the scheme at £39.5m (different of course to the £152m benefit figure which includes the costs of the scheme).</p> <p>The low financial benefit the scheme reports to offer needs to be considered against the significant harm identified to the National Park.</p>
Q14.2.9	The SDNPA response to ExQ 14.1.7 [REP2-072] confirms that: “the SDNPA does not agree with the applicant’s position and it is not agreed that the scheme meets the ‘exceptional circumstances’ test”.	The scheme cannot avoid harm to the National Park (given its location and the boundary of the National Park), with the exception of the construction compound which is entirely avoidable.

Question Reference	Examining Authority Question	SDNPA Response
	<ul style="list-style-type: none"> (i) Please clarify the SDNPA's position as to whether there is no realistic alternative to the proposed improvement works. (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. (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>It is the SDNPA's position that the scheme does not currently meet the exceptional circumstances test as the mitigation measures proposed are not good enough (for reasons and details set out in previous submissions and highlighted in some of the responses to the questions above).</p>
Q14.2.11	<p>The NPSNN paragraph 5.152 states that: "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". 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> <ul style="list-style-type: none"> (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, 	<p>Ultimately it is a matter of judgement as to whether the scheme is as 'significant road widening scheme' and whether it meets the tests required.</p> <p>It is the SDNPA's view that this proposal is a significant road widening scheme which includes the introduction of new roads into parts of the National Park where currently there are none.</p> <p>For reasons set out above (and in previous submissions), it is the SDNPA's current position that mitigation measures are not good enough and therefore do not meet the requirements of the tests.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>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>	
Q14.2.13	<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 “significance” 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 “in any event” 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,</p>	<p>Please see responses to previous questions.</p> <p>As highlighted in our submissions, the presence of the National Park was not at the forefront (as we say it should have been) of the initial design process or in the site selection process for the site Compound. If it has of been, different design choices could / should have been made which could have lessened the impact to the National Park.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>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	<p>The NPSNN para 5.153 states that: “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”.</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 other aspects of the environment.</p> <p>(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.</p>	<p>Please see responses to questions above (and previous Deadline 4 submissions).</p>
Q14.2.17	<p>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</p>	<p>Please responses to questions above and additional briefing note (attached at Appendix C).</p> <p>In summary, the SDNPA does not agree that the scheme conserves and enhances the special qualities.</p>

Question Reference	Examining Authority Question	SDNPA Response
	conserving and enhancing the special qualities of the National Park and that they are agreed	

Appendix B – Suggested amendments to DCO and other documents

Document and Reference	SDNPA’s comment / suggested amendment
Draft Development Consent Order Article 34(1)	“34.—(1) The undertaker may, in connection with <u>where necessary for</u> the carrying out of the authorised development, but subject to article 26(2) (time limit for exercise of authority to acquire land compulsorily) <u>and the Requirements of Schedule 2.</u> —”
Draft Development Consent Order Article 39(4)	“(4) The undertaker may for the purposes of carrying out the authorised development but subject to paragraph (2) <u>remove any hedgerow described in Schedule 8 (removal of hedgerows), but not remove any hedgerow not described in Schedule 8.</u> ”
Draft Development Consent Order Requirement 4(3)	The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.
Draft Development Consent Order Requirement 5(3)	<p>(3) The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—</p> <p>(a) location, number, species, size, <u>timing</u>, and planting density of any proposed planting, <u>including advanced planting</u>;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p>(c) proposed finished ground levels;</p> <p>(d) hard surfacing materials;</p> <p>(e) details of existing trees to be retained, with measures for their protection during the construction period outlined within a Tree Protection Plan and Arboricultural Method Statement; and</p> <p>(f) implementation and maintenance timetables for all landscaping works.</p> <p><u>(g) [as set out in ExA Q9.1.47 (Document Reference – ExQ1) should including fencing and walls etc]</u></p>
Draft Development Consent Order Requirement 6(3)	(3) Any tree or shrub, <u>or other element</u> planted as part of the landscaping scheme that, within a period of <u>5</u> 10 years after planting, is removed, dies or becomes, seriously damaged or diseased, must be replaced in the first available

Document and Reference	SDNPA's comment / suggested amendment
	planting season with a specimen of the same species and size as that originally planted.
Draft Development Consent Order Requirement 7	Requirement should be deleted and the necessary details approved under Requirement 5.
Draft Development Consent Order Requirement 11(1)	As highlighted in our previous submissions, the SDNPA needs to be consulted on the Traffic Management Plan (especially if the document is going to include the PRoW diversions and management plan and the Construction Workers Travel Plan, as suggested by the applicant during ISH2). Therefore, Requirement 11(1) should be amended to include consultation with both Winchester City Council and the SDNPA as well as the Local Highway Authority.
Draft Development Consent Order Requirement 14(1)	As highlighted in our previous submissions, the change submitted at Deadline 3 (document reference REP3-005) could lead to confusion. The SDNPA needs to be consulted as the noise mitigation measures are part of the mitigation measures required due to the impacts to the National Park. If the overall reference to 'relevant planning authority' is not changed then 14(1) needs to be amended again to explicitly refer to consulting the SDNPA as well as Winchester City Council.
Draft Development Consent Order Additional Requirement for a Phasing Plan	Requirement 5 Landscaping, still refers to 'written landscaping scheme for that part'. That is why we suggested another DCO Requirement for the submission of a Phasing Plan / schedule of works to avoid any confusion or ambiguity.
First Iteration Environmental Management Plan (Document Reference REP4-027) LV22	During the establishment aftercare period and beyond, environmental features (including soft landscape features) will be routinely inspected and monitored to ensure compliance with Appendix 7.6 (OLEMP) of the ES (Document Reference 6.3), and future LEMP. During the establishment period monitoring for establishment of newly created landscape elements will take the form of quarterly inspection in the first two <u>five</u> years, followed by annual <u>twice</u> yearly inspections in the following three years after seeding/planting.

Landscape Briefing Note 02 – Deadline 5

Project : **1261 M3 J9**
Date : **18th September 2023**
Purpose : For Deadline 5
Reference : 1261 BN02 for Deadline 5.docx

Introduction

1. This Briefing Note address two issues :
 - Appendix A Attenuation basin 5 and landscape design relationship to landscape character in 8.13 Applicant written summaries of oral case for Issue Specific Hearing 1 (REP4-034) (Appendix A)
 - Revised Visualisations

Appendix A Attenuation basin 5 and landscape design relationship to landscape character

2. Appendix A identifies that there is an overlap between the landscape character assessments for Hampshire¹ and the SDNP² and that the area around Attenuation basin 5, which is located within LCA A5: East Winchester Open Downs in the SDNP study, is located within the Itchen Valley LCA in the Hampshire study. This appears to be relied on by the Applicant as a justification for a change of character for this area from the current open rolling character to a more wooded character.
3. The SDNPA does not accept that the Hampshire Integrated Landscape Character Assessment should be used to justify this change for the following reasons.
 - Age of the Assessments
 - Grain of the Assessments
 - Conditions on the ground

¹ Hampshire Integrated Landscape Character Assessment (HILCA).

² South Downs Landscape Character Assessment (SDLCA)

Age of the Assessment

4. The Hampshire Integrated Landscape Character Assessment HILCA was published in 2010 whereas the South Downs Landscape Character Assessment (SDLCA) was published in 2020. More recent landscape character assessments are preferred, particularly when undertaken at a finer grain.

Grain of the Assessment

5. Although the SDLCA is not a district assessment it has been undertaken at a finer grain than the HILCA, at a similar grain to most district assessments. Within the SDLCA there are three LCAs in the vicinity of the area in question that could have been considered for the area in question:
 - LCA A5: East Winchester Open Downs
 - LCA F5 Itchen Floodplain
 - LCA G5 Itchen Valley Sides
6. As the name suggests LCA G5 Itchen Valley sides lie between the Open Downs and the valley floor and the SDLCA considered that the area in question belonged to neither but was most characteristic of the open downlands.
7. It is unclear what Figure 3 in the Appendix A is suggesting. The area identified with the orange boundary clearly falls within the Open Downlands LCA as does much of the landscape at a similar AOD to the south and east of the site. If land further north at a similar AOD has been identified as being within the Valley Sides LCA this will reflect characteristics observed on the ground and will not merely be related to the AOD.

Conditions on the Ground.

8. It is quite clear from the conditions on the ground that the area in question is not read as part of the Itchen Valley - it is separated from the Itchen Floodplain by M3 and its slip road. Conversely it has many of the characteristics of the open downland, including the rolling topography, as accepted in Appendix A. As also accepted in Appendix A the 'continuation of the agricultural landscape as a particular land use is a unifying feature.'
9. Appendix A acknowledges that due to the new highway and associated infrastructure, which includes both new roads and the attenuation basin, there will be a loss of the continuity of landuse, with open downland being replaced by highways infrastructure, which cannot be restored. There will also be a loss of the existing topography. The false cutting, which will create the attenuation basin, is also referred to as mitigating views of the new highway infrastructure. However, it will itself be unnatural and have an engineered form. The choice of woodland planting, as acknowledged by Appendix A is 'to provide visual screening of the highway' (paragraph 1.3.5).
10. The SDNPA accepts that, given the introduction of highway infrastructure, there are no preferential landscape proposals. However, the SDNPA does not accept that this planting is desirable on account of the HILCA, and nor does it accept that as a consequence there will be no long term permanent harm to the SDNP. There will be permanent harm to the existing character of the SDNP due to:
 - The loss of the seamless continuity currently experienced within this area of open downland.
 - The replacement of open downland with highways infrastructure;
 - The changes in topography required for the highways infrastructure which will not respect the natural topography; and
 - The woodland planting which will not respect the existing character and will result in a permanent change to the existing character of the landscape.
11. The woodland planting should in time be successful in providing visual screening during the summer months and may also have biodiversity benefits. However, it will not restore the existing character of the SDNP and there will remain permanent harm.

Revised Visualisations

12. The SDNPA welcomes the preparation of the revised visualisations with the loss of existing trees shown accurately and the preparation of winter year 15 images. There remain two viewpoints where we are concerned that they do not fully represent how the change in the landscape would be viewed on the ground. They are Vp 3 & 7 both of which are looking towards the scheme from the west.
13. To assist the ExA we have put together sets in which the year 1 winter view can be seen immediately preceding the year 15 image as this helps in understanding the changes that are taking place in the landscape. We have also taken a single frame from the center of the image as we are issuing them as electronic images only.
14. From these two visualisations it is possible to see how the side of the hill slope has been reprofiled with a new planted edge appearing which marks the eastern edge of the scheme. From Vp 3 this becomes the horizon, From Vp 7 it is seen crossing the hillside. We consider that the slope that would be created to the west of this newly created horizon / edge would not have the appearance of a natural hillside as shown in the visualisation as it would represent new slopes created by the highway works.
15. Even accepting the visualisations there is a clear loss of the natural hillside when viewed from Vp 3. We also consider that visible moving traffic on this hill side would have a significantly greater impact than it does at present. We also consider that the reprofiled horizon with its fringe of planting will not restore the current natural horizon. As previously mentioned this is not a single view but a series of views along this promoted route which were identified as iconic in the SDNP View Characterisation and Analysis (2015).

VIEWPOINTS 3 AND 7



Approximate extent of land within the Scheme's Application Boundary



Viewpoint 3 - Existing Winter



PROJECT STAGE	PCF STAGE 4
SUITABILITY	DEADLINE 4 SUBMISSION
DOCUMENT REFERENCE	HE551511-VFK-ELS-XXXX_XX-DR-LE-40022

LANDSCAPE AND VISUAL
View Location Ground Height: 39
View Location Grid Reference: E4
Distance to Application : Ap
Boundary
View Direction: ES

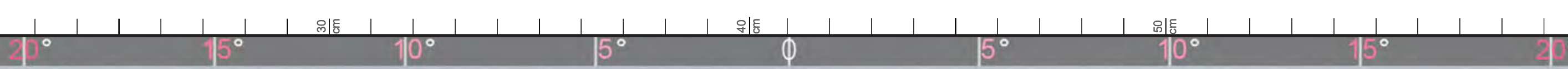


Viewpoint 3 - Winter Year 1



Purpose of use	FOR DCO SUBMISSION
Development Consent Order Number / Document	TR010055/APP/6.2
DOCUMENT REFERENCE	HE551511-VFK-ELS-X_XXXX_XX-DR-LE-0216

FIGURE 7.14 LANDSCAPE
View Location Ground Height: 39
View Location Grid Reference: E4
Distance to Application : Ap
Boundary
View Direction: ES

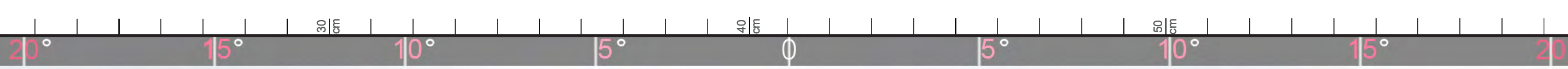


Viewpoint 3 - Winter Year 15



PROJECT STAGE	PCF STAGE 4
SUITABILITY	DEADLINE 4 SUBMISSION
DOCUMENT REFERENCE	HE551511-VFK-ELS-XXXX_XX-DR-LE-40023

LANDSCAPE AND VISUAL
View Location Ground Height: 39
View Location Grid Reference: E4
Distance to Application : Ap
Boundary
View Direction: ES



Approximate extent of land within the Scheme's Application Boundary

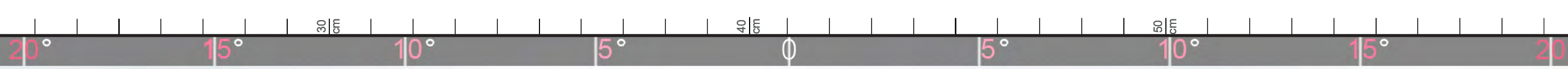


Viewpoint 3 - Existing Summer



Purpose of use	FOR DCO SUBMISSION
Development Consent Order Number / Document	TR010055/APP/6.2
DOCUMENT REFERENCE	HE551511-VFK-ELS-X_XXXX_XX-DR-LE-0217

FIGURE 7.14 LANDSCAPE
View Location Ground Height: 39
View Location Grid Reference: E4
Distance to Application : Ap
Boundary
View Direction: ES

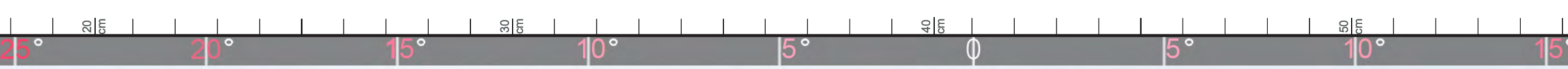


Viewpoint 3 - Summer Year 15



Purpose of use	FOR DCO SUBMISSION
Development Consent Order Number / Document	TR010055/APP/6.2
DOCUMENT REFERENCE	HE551511-VFK-ELS-X_XXXX_XX-DR-LE-0218

FIGURE 7.14 LANDSCAPE
View Location Ground Height: 39
View Location Grid Reference: E4
Distance to Application : Ap
Boundary
View Direction: ES



Approximate extent of land within the Scheme's Application Boundary

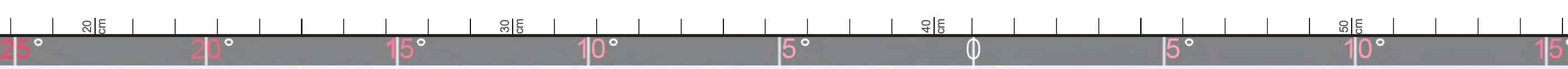


Viewpoint 7 - Winter Existing

at a width of 820mm.
basic image processing.



PROJECT STAGE	PCF STAGE 4
SUITABILITY	DEADLINE 4 SUBMISSION
DOCUMENT REFERENCE	HE551511-VFK-ELS-XXXX_XX-DR-LE-40024



Viewpoint 7 - Winter Year 1

Winter



Purpose of use	FOR DCO SUBMISSION
Development Consent Order Number / Document	TR010055/APP/6.2
DOCUMENT REFERENCE	HE551511-VFK-ELS-X_XXXX_XX-DR-LE-0220

at a width of 820mm.
basic image processing.



Viewpoint 7 - Winter Year 15

Winter



PROJECT STAGE

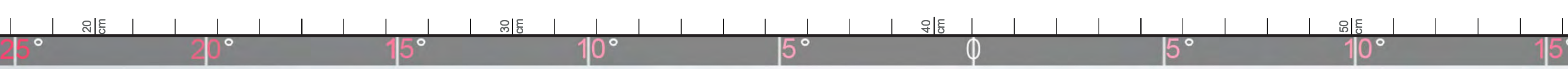
PCF STAGE 4

SUITABILITY

DEADLINE 4 SUBMISSION

DOCUMENT REFERENCE

HE551511-VFK-ELS-XXXX_XX-DR-LE-40025



Approximate extent of land within the Scheme's Application Boundary



Viewpoint 7 - Summer Existing

at a width of 820mm.
basic image processing.



Purpose of use	FOR DCO SUBMISSION
Development Consent Order Number / Document	TR010055/APP/6.2
DOCUMENT REFERENCE	HE551511-VFK-ELS-X_XXXX_XX-DR-LE-0221



Viewpoint 7 - Summer Year 15



Purpose of use	FOR DCO SUBMISSION
Development Consent Order Number / Document	TR010055/APP/6.2
DOCUMENT REFERENCE	HE551511-VFK-ELS-X_XXXX_XX-DR-LE-0222

at a width of 820mm.
basic image processing.