

ExQ3: 6 October 2023

Responses due by Deadline 6: 27 October 2023

Application by National Highways for M3 Junction 9 Improvement Scheme The Examining Authority's 3rd written questions and requests for information (ExQ3) Issued on 6 October 2023

ExQ3	Question to:	Question:
1. General and Cross-topic Questions		
Q1.3.2	Mitigation Hampshire County Council, Winchester City Council, South Downs National Park Authority	At Deadline 5, the Applicant provided further updates to the First Iteration of Environmental Management Plan (fiEMP) including to the appendices [REP5-019]. Please provide any comments in relation to these additions/updates.
		The County Council has reviewed the updates to the fiEMP. It is noted that a Green Travel Plan to encourage the update of sustainable travel practices during the construction stage has been included and is something the County Council welcomes. The County Council has no further comments on the remainder of the updates.
Q1.3.3	Design Code Hampshire County Council, Winchester City Council, South Downs National Park Authority	At Deadline 5, the Applicant submitted a draft Design Principles Report [REP5-028] for the application and ongoing detailed design. Please provide any comments on this submission.
		The County Council's principal interest in this document relates to its responsibilities for the locally maintained highway and the ongoing maintenance of these assets, including bridge structures, verges and lighting. The County Council is supportive of the principles of sensitive design but it will be important that, during the detailed design and handover of assets to the County Council as the local highway authority, the sensitive design of such assets is balanced

		<p>with the ongoing maintenance requirements. It is considered that this can be achieved through early engagement on the detailed design.</p> <p>Reference to sensitive use of street lighting, specifically at underpasses is noted with references to the National Park's dark skies policy. The County Council would seek to explore with the applicant through detailed design work the provision of sensitive street lighting along the route of the proposed shared cycleway from Kings Worthy to Winnall as this will be a utility route and therefore it will be important to support use of the route through adequate lighting.</p>
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9. Draft Development Consent Order		
Q9.3.1	<p>Hampshire County Council 'Side Agreement' Hampshire County Council</p>	<p>In the HCC response to a number of questions from the ExA in ExQ2 [REP5-033], it was stated that a 'Side Agreement' was proposed between the Applicant and HCC which is being reviewed and would cover a number of issues that HCC had raised before and during the examination. Please provide an update on this agreement giving details of when it is likely to be finalised and agreed. Please highlight and confirm if any previous proposed changes to the Draft DCO that were sought will still be relevant:</p> <ul style="list-style-type: none"> (i) following an approval of the Side Agreement. (ii) In the eventuality that the Side Agreement is not agreed.
		<p>The County Council set out in its written summary of Issue Specific Hearing 2 (REP 4-044) that a number of the detailed matters it raised in its LIR (REP2-066) could be adequately addressed through a separate agreement with the Applicant to ensure that the delivery of the works and ultimate handover of those works to the local highway authority would be managed appropriately.</p> <p>A draft side agreement is still under discussion with the Applicant, albeit the principles contained within the agreement in regard to the overall legislative context of the DCO in governing and directing the works is understood. At this stage the County Council is confident that the side agreement will be completed satisfactorily and will address the issues raised previously. Further updates can be provided before the Examination period closes.</p> <p>In the event that the Side Agreement is agreed, the County Council can confirm that previous proposed changes to the DCO will not be required.</p> <p>If the Side Agreement is not agreed by the close of examination, the County Council would still require its proposed changes as set out in its LIR (REP2-066) with the exception of the following matters;</p>

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		<ul style="list-style-type: none">i) the proposed change to Article 3 to remove the disapplication of s.23 of the Land Drainage Act 1991 raised at para 10.2 of the LIR (REP2-066) following agreement not to disapply the section; andii) the proposed change to Article 28 regarding notice to the County Council of extinguishment of public rights of way at para 10.23 of the LIR (REP2-066) assuming the drafting in the Examining Authority's schedule of proposed changes to the draft Development Consent Order is adopted.
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10. Flood Risk, Groundwater and Surface Water

Q10.3.1	Infiltration Rates The Applicant, Hampshire County Council	In their response to Q10.2.1 [REP5-033], HCC stated that based on the recent infiltration investigations ' <i>there is potential for changes to the design such that it may not be possible to deliver it in accordance with the submitted documentation</i> '. Please explain what the latest position is regarding this and what changes may be necessary and when it is expected that this will be resolved. Please also indicate if this will result in further information or changes being presented to the examination.
		The County Council as Lead Local Flood Authority has met the applicant and is satisfied that following the recent infiltration testing, sufficient information has been provided to demonstrate that the scheme is deliverable within the limits of the DCO and in accordance with the Environmental Statement and appendices.