

**M3 Junction 9 Improvement
Scheme Number: TR010055
8.30 Cover Letter Deadline 8**

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Ref: TR010055

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10 November 2023

Dear Ms McKay and Mr Sims,

Application Ref: TR010055
Application by National Highways for an Order Granting Development Consent
for the M3 Junction 9 Improvement.

Applicant's Deadline 8 Submission

This letter has been prepared by the Applicant to accompany the Applicant's submissions to the Examining Authority (ExA) for Deadline 8 of the Examination for the M3 Junction 9 Improvement Scheme. It has been prepared in accordance with the requirements set out by the Examining Authority in the Rule 8 Letter dated 25 May 2023.

A full list of the documents submitted for Deadline 8 are listed in Section 1 of this letter.

Yours sincerely,

Tom Beasley
National Highways

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1 Deadline 8 Submissions

1.1 Documents submitted

1.1.1 The table below sets out documents submitted at Deadline 8.

Table 1.1: Documents submitted at Deadline 8

Reference	Document	Revision
1.3	Introduction to the Application (Appendix A Document Tracker)	REP7-001 Rev 8
2.2	Land Plans	APP-006 Rev 1
3.1	draft Development Consent Order	REP6-006 Rev 6
3.2	Explanatory Memorandum	APP-020 Rev 1
3.4	DCO Signposting Document	REP3-006 Rev 2
3.5	Table of Amendments to the dDCO	REP6-008 Rev 4
4.1.2	SoR Annex B - Annex B Status of negotiations Compulsory Acquisition Schedule	REP6-009 Rev 3
4.3	Book of Reference	REP6-015 Rev 5
4.4	Schedule of Changes to the Book of Reference	REP6-018 Rev 3
7.3	first iteration Environmental Management Plan	REP6-020 Rev 7
7.12	Progress with Statements of Common Ground	REP1-027 Rev 2
7.12.1	Statement of Common Ground with Winchester City Council	REP2-046 Rev 2

Reference	Document	Revision
7.12.3	Statement of Common Ground with Hampshire County Council	REP5-048 Rev 1
7.12.4	Statement of Common Ground with Environment Agency	REP2-047 Rev 2
7.12.5	Statement of Common Ground with Natural England	REP2-048 Rev 1
7.12.7	Statement of Common Ground with Cycle Winchester	AS-009 Rev 1
8.18	Design Principles Report	REP5-028 Rev 1
8.28	Applicant Comments on Deadline 6 and 7 Submissions	Rev 0
8.29	Applicant's Closing Statement	Rev 0
8.30	Cover Letter for Deadline 8	N/A

1.2 Documents not submitted

- 1.2.1 The Rule 8 Letter sets out the requirement to submit a final NPS Tracker. The **National Policy Statement for National Networks Accordance Table (7.2, REP5-017)** was submitted at Deadline 5. This document has since been reviewed and no further changes have been identified for Deadline 8. An update has therefore not been undertaken for this deadline, and **National Policy Statement for National Networks Accordance Table (7.2, REP5-017)** is considered the final version.
- 1.2.2 The Rule 8 Letter sets out the requirement to submit a final Statement of Reasons. The **Statement of Reasons (4.1, REP6-013)** was submitted at Deadline 6. This document has since been reviewed and no further changes have been identified for Deadline 8. An update has therefore not been undertaken for this deadline, and **Statement of Reasons (4.1, REP6-013)** is considered the final version.
- 1.2.3 The Rule 8 Letter sets out the requirement to submit a final SoR Annex C: Schedule of Engagement with Statutory Undertakers. **Annex C: Schedule of Engagement with Statutory Undertakers (4.1.3, REP6-011)** was submitted at Deadline 6. This document has since been reviewed and no further changes have been identified for Deadline 8. An update has therefore not been undertaken for this deadline, and **Annex C: Schedule of Engagement with Statutory Undertakers (4.1.3, REP6-011)** is considered the final version.

1.3 Statements of Common Ground (SoCG)

- 1.3.1 The Rule 8 Letter requests a 'list of matters not agreed where SoCG could not be finalised'. The Applicant has provided this information in **Section 6** in the document **Progress with Statements of Common Ground (7.12, Rev 2)**.
- 1.3.2 Due to unforeseen circumstances on the part of South Downs National Park Authority, the Applicant and South Downs National Park Authority have not been able to provide a final SoCG, however, both parties are committed to providing this before the close of Examination.

1.4 Design Principles Comments

- 1.4.1 South Downs National Park Authority, Winchester City Council and Hampshire County Council were provided a draft of the Design Principles Document on 12 September 2023, and invited to provide comments to help inform the development of the document.
- 1.4.2 The Applicant has taken on board the limited specific comments received in relation to the principles set out, and an updated version of the **Design Principles Report (8.18, Rev 1)** is submitted at Deadline 8.

1.5 Natural England

- 1.5.1 Significant progress has been made since Deadline 6 relating to two matters outstanding between the Applicant and Natural England. The outstanding matters were:
- the issuing of a Letter of No Impediment (LoNI) in anticipation of submission of a final dormouse licence application to Natural England; and
 - provision of further air quality assessment data and conclusions over and above DMRB requirements to Natural England, including implications of the results for the River Itchen Special Area of Conservation (SAC) which is protected at European level as well as nationally-protected habitats including Sites of Special Scientific Interest (SSSIs), as well as other matters which will need to be considered before the **Habitats Regulations Assessment (HRA) (7.5, Rev 2)** can be agreed by Natural England.
- 1.5.2 With regard to the dormouse licence, Natural England provided a LoNI on 10 November 2023. This sets out its requirements for a final dormouse licence application to be submitted in due course, together with conditions relating to the content of the licence application, all of which have been agreed with the Applicant since Deadline 6 of this Examination.
- 1.5.3 With regard to the assessment of air quality changes resulting from the Scheme and their effects on nationally and internationally protected habitats as well as other non-agreed matters, a meeting was held on 8 November between the Applicant and Natural England. This meeting was called by the Applicant to discuss and resolve the outstanding issues. The outcome was that these issues

were all agreed, subject to provision of further supporting information by the Applicant in some cases. This was provided in a technical note from the Applicant to Natural England on 10 November.

- 1.5.4 The assessment of impacts to SSSIs within **Appendix 8.3 (Assessment of Operational Air Quality Impacts on Biodiversity)** of the **ES (6.3, Rev 1)** was discussed at the meeting on 8 November. Specifically Natural England requested further information relating to updated nitrogen deposition critical loads and ammonia lower critical levels and if these would affect the current conclusions that there would be no significant effects on SSSIs. In response, the Applicant confirmed the updated nitrogen critical loads were used to inform **Appendix 8.3 (Assessment of Operational Air Quality Impacts on Biodiversity)** of the **ES (6.3, Rev 1)** and provided data on ammonia lower critical levels at representative location within each SSSI to demonstrate that the conclusion of no significant adverse effects on the SSSIs would not change.
- 1.5.5 The principal issues discussed and agreed in relation to the two outstanding issues on the **Habitats Regulations Assessment (HRA) (7.5, Rev 2)** described in the Applicant's Deadline 6 submission can be summarised as follows.
- i. Request for provision of further supporting air quality information on future potential traffic changes (post opening year) and the related changes in emissions. The Applicant has provided to Natural England further data calculations and projections to demonstrate that Scheme Opening Year (2027) represented a reasonable worst case in relation to vehicle emissions. Once Natural England has had the opportunity to review this supporting information it has stated that it would be satisfied that this matter could be closed.
 - ii. In-combination assessment of the Scheme with the proposed Anaerobic Digestion (AD) plant. Natural England's objection was withdrawn with no need to undertake further assessment of in-combination effects as previously requested.
- 1.5.6 In light of the above, the Applicant believes that the two outstanding issues relating to air quality that Natural England has not previously considered to be agreed and which have implications for the **Habitats Regulations Assessment (HRA) (7.5, Rev 2)** have now been closed. This matter is now shown as 'Agreed' in the **Statement of Common Ground with Natural England ((7.12.5, Rev 1)** submitted at Deadline 8. The Applicant notes Natural England's expectation (in the SoCG) that an updated **Habitats Regulations Assessment (HRA) (7.5, Rev 2)** will be submitted to them. The Applicant will revise the **Habitats Regulations Assessment (HRA) (7.5, Rev 2)** accordingly and share it with Natural England for its consideration and possibly approval before the Examination closes.

1.6 Land Plans

- 1.6.1 Updated **Land Plans (2.2, Rev 1)** have been submitted at Deadline 8 to address an inconsistency identified with the cut-lines between sheets 4 and 5, and between sheets 8 and 9. The amendments result in no consequential amendments to any documents, but simply ensure that the land plans are now presented in a way that is consistent with the Book of Reference.

1.7 Statutory Undertakers

- 1.7.1 The Applicant has agreed bespoke protective provisions with Southern Gas Networks plc, **Part 3 of Schedule 10** of the **draft Development Consent Order (3.1, Rev 6)**, and the Environment Agency, **Part 4 of Schedule 10** of the **draft Development Consent Order (3.1, Rev 6)**. The Applicant has engaged with Southern Water Limited who have confirmed that **Part 1 of Schedule 10** of the **draft Development Consent Order (3.1, Rev 6)** provides sufficient protection for their apparatus and undertaking. The Applicant has not been contacted by other statutory undertakers requesting bespoke protective provisions outside standard provisions in **Parts 1 and 2 of Schedule 10** of the dDCO. The Applicant has also agreed terms with Southern Gas Networks plc a confidential side agreement an engrossment of which is currently in circulation. The Applicant continues to engage with Southern Water Limited on the negotiation of a confidential side agreement. the **draft Development Consent Order (3.1, Rev 6)**.