

M3 Junction 9 Improvement

Scheme Number: TR010055

8.29 Applicant's Closing Statement

APFP Regulations 5(2)(q)

Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

Volume 8

10 November 2023

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**M3 Junction 9 Improvement
Development Consent Order 202[x]

8.29 Applicant's Closing Statement

Regulation Number:	5(2)(q)
Planning Inspectorate Scheme Reference:	TR010055
Application Document Reference:	8.29
BIM Document Reference:	HE551511-VFK-HGN-XXXX_XX-RP-IM-40017
Author:	M3 Junction 9 Improvement Project Team, National Highways

Version	Date	Status of Version
Rev 0	10 November 2023	Deadline 8 Submission

Contents

1	Introduction.....	1
1.1	Introduction.....	1
2	Need for the Scheme and benefits	2
2.1	Background	2
2.2	The need for the Scheme	2
2.3	Benefits of the Scheme	4
3	Alternatives.....	7
3.1	Scheme alternatives.....	7
3.2	Construction Compound.....	7
4	Principal issues during Examination.....	11
4.1	Introduction.....	11
4.2	Climate.....	11
4.3	Landscape and visual effects.....	14
4.4	Other matters.....	20
5	Consultation and stakeholder engagement.....	26
5.1	Summary of consultations.....	26
5.2	Summary of post application engagement with stakeholders.....	26
6	Case and justification for compulsory acquisition.....	27
7	<i>National Policy Statement for National Networks (NPS NN) and other relevant planning policy.....</i>	29
7.1	Conformity with the <i>NPS NN</i>	29
7.2	Development within nationally designated areas	29
7.3	Other relevant policies.....	32
8	Conclusion and planning balance	35

1 Introduction

1.1 Introduction

- 1.1.1 This Closing Statement has been produced by the Applicant to summarise its position on the matters that have been subject to submissions by Interested Parties and the Applicant during the course of the Examination of the M3 Junction 9 Improvement Scheme Development Consent Order Application.
- 1.1.2 It is provided to assist the Examining Authority, and ultimately the Secretary of State, and sets out the Applicant's position in relation to these matters.
- 1.1.3 This Closing Statement does not make new points but instead draws on, and refers to, submissions made by the Applicant as part of its Development Consent Order Application and throughout the course of the Examination.
- 1.1.4 The document does not seek to address every matter which has been raised during the Examination but focusses on those which have been subject to multiple rounds of questions or representations. The Applicant has tried to avoid duplicating information but does re-state the overall benefits of the Scheme, and the Scheme's compliance with relevant policy, legislation, and guidance, and points the Examining Authority and the Secretary of State to the evidence which is considered relevant to the application of section 104 of the Planning Act 2008.

2 Need for the Scheme and benefits

2.1 Background

- 2.1.1 As outlined in **Section 3.1** of the **Case for the Scheme (7.1, Rev 1)** the problems at M3 Junction 9 have been recognised for many years. In 2013, Hampshire County Council identified that infrastructure improvements were necessary to reduce congestion levels and assist with the strategic movement of traffic at Junction 9 of the M3, a key arterial intersection, to make sure that traffic congestion and increased journey times do not compromise the scale of potential future economic growth in the sub-region.
- 2.1.2 Due to the high traffic volumes, the existing Junction 9 interchange has already become overwhelmed by the demands placed upon it. M3 Junction 9 currently experiences a high level of congestion and delay with poor journey time reliability. The significant volumes of traffic act as a bottleneck on the local highway network, causing significant delays throughout the day. Northbound and southbound movements between the M3 and the A34 are particularly intensive with downstream queues forming on the northbound off-slip of the M3 partially caused by the high proportion of HGVs travelling between the M27, M3 and A34 and often backing onto the main carriageway of the M3, resulting in significant disruption and safety concerns during peak periods.
- 2.1.3 Further detail on the issues identified with the operation of M3 Junction 9 are provided in **Paragraphs 3.1.3 – 3.1.9** of the **Case for the Scheme (7.1, Rev 1)**. **Section 3** of the **Transport Assessment Report (7.13, Rev 1)** also provides further detail on the existing highway conditions in terms of traffic flows and journey times.
- 2.1.4 The need for the Scheme is well-established. The relevant route strategy reports and supporting technical annexes prepared by National Highways document the issues identified above. As outlined in the post hearing note in relation to **Item 2(I) – Sixth Bullet** of **Applicant written summaries of oral case for Issue Specific Hearing 3 (8.15, REP4-036)** improvements to M3 Junction 9 were identified in both the *M25 to Solent Route Strategy 2015* and *Solent to Midlands Route Strategy 2015* (and the subsequent updates to these strategies published in 2017 and 2023).
- 2.1.5 These strategies have informed the government's Road Investment Strategy (RIS) programme, and the Department for Transport (DfT) included improvements to M3 Junction 9 as part of the *Road Investment Strategy 1 2015-2020* and in the *Road Investment Strategy 2 2020-2025*.

2.2 The need for the Scheme

- 2.2.1 It is Government policy that at a strategic level there is a compelling need for development of the national networks to address road congestion and facilitate national and local economic growth, as outlined in Section 2 of the *National*

Policy Statement for National Networks (NPS NN). The Government's policy is to bring forward improvements and enhancements to the existing Strategic Road Network, which includes junction improvements to address congestion and improve performance and resilience (see paragraph 2.23 of the *NPS NN*).

- 2.2.2 At a strategic level there is support for the Scheme, subject to it meeting the tests set by the other relevant policies in the *NPS NN* which in this case include those relating to development within nationally designated areas which are addressed later in this document. **Table 3.2** of the **Case for the Scheme (7.1, Rev 1)** illustrates how the Scheme will fulfil those strategic objectives in Section 2 of the *NPS NN*.
- 2.2.3 Taking both the strategic need recognised in the *NPS NN*, and the existing problems identified with the operation of M3 Junction 9, there is a clear need for an improvement scheme. To ensure the Scheme addresses these issues five key objectives were identified. They are:
- To reduce delays at M3 Junction 9 on all links M3, A33 and A34.
 - Smooth the flow of traffic by improving journey time reliability and reducing delays (time lost per vehicle per mile) at M3 Junction 9 and the exit and entry roads for the A33 and A34.
 - Improve the safety for all road users and reduce the annual collision frequency and severity ratio on the M3 Junction 9.
 - Support economic growth and ensure the junction can accommodate additional traffic.
 - Improvements for walkers and cyclists including connecting the National Cycle Network Route 23 which is severed by the current junction layout.
- 2.2.4 **Table 3.1** of the **Case for the Scheme (7.1, Rev 1)** sets out how the Scheme meets the five strategic objectives.
- 2.2.5 The Applicant notes that both Hampshire County Council and Winchester City Council consider the principle of development to be acceptable and that Scheme is considered to be consistent with the joint Winchester Movement Strategy (2019) as outlined in **Paragraph 6.3.3** of **Hampshire County Council Local Impact Report (REP2-066)** and **Table 1.2** of **Winchester City Council's Local Impact Report (REP2-083)**.
- 2.2.6 It is noted that South Downs National Park Authority, as set out in **paragraph 6.7 – 6.9** of their **Local Impact Report (REP2-071)** and in the **Statement of Common Ground with South Downs National Park Authority (7.12.2, Rev 1)**, have raised concerns with the impacts of the Scheme on the National Park and the perceived conflicts arising from these impacts with the duty to conserve and enhance the National Park. However, at **paragraph 6.6** of their **Local Impact Report (REP2-071)** they acknowledge that *'there is a need to improve, in some way, the M3 Junction 9 (and surrounding roads) and given*

the various boundary constraints around the existing highway infrastructure, (including National Park boundary being to the east and west of it), there is limited scope for developing outside the National Park.'

- 2.2.7 Safety on the existing route is an issue and a high accident rate has been an unfortunate effect. During the period 2015-2019 there were 80 collisions with 106 casualties. Further sensitivity assessments relating to accident data were prepared and submitted to the Examination at Deadline 4 **Section 1.5 of Appendix B (Traffic and transport additional information in response to ExA WQ2) in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) Appendices (8.17.1, Rev 1)** which showed that if data was included from the earlier 2012-2016 accident dataset it shows an increase in predicted benefits within the application boundary, which is because observed accidents in the 2012-2016 period are higher.
- 2.2.8 In addition to the need to address the existing safety issues the Scheme would contribute positively to national transport objectives as outlined in **Paragraph 3.1.10 of the Case for the Scheme (7.1, Rev 1)** by:
- Providing additional capacity (via dedicated new free flow links on the A34 – M3 southbound and M3 northbound to A34, reducing the need for traffic to interact with the gyratory roundabout at Junction 9).
 - Enhancing journey time reliability (through reducing congestion at Junction 9).
 - Supporting the development of housing and the creation of jobs, as set out in the existing and emerging local plans, listed within **Section 1.5** of this document (through the potential to accelerate local development sites by improving marketability and mitigating potential capacity constraints, increasing adjacent commercial and industrial land value and the potential to accelerate ongoing trends towards densification and new development in Winnall).

2.3 Benefits of the Scheme

- 2.3.1 **Paragraph 9.8.1 of Case for the Scheme (7.1, Rev 1)** outlines the benefits of the Scheme. The **Combined Modelling and Appraisal Report (7.10, Rev 1)** summarises the economic appraisal and states that the results of the transport economic analysis indicated that the Scheme is predicted to generate user benefits in the order of £152.7M. The greatest benefit relates to travel time savings which are predominantly due to the provision of the free-flow movement between the A34 and the M3. **Table 5-23: (AMCB Table)** in the **Combined Modelling and Appraisal Report (7.10, Rev 1)** provides a full breakdown of the monetised costs and benefits in line with the Transport Appraisal Guidance Unit A1. The monetised benefits (not disbenefits or costs) are included in the list here also.

2.3.2 The **Environmental Statement - Non-Technical Summary (6.4, Rev 2)** provides an overview of the environmental effects arising from the Scheme including those that are beneficial.

2.3.3 Section **2.3** of the **Statement of Reasons (4.1, Rev 5)** summarises the benefits outlined across the **Case for the Scheme (7.1, Rev 1)**, the **Environmental Statement (6.1-6.3, APP-042 – APP-153)** and the **Combined Modelling and Appraisal Report (7.10, Rev 1)**.

2.3.4 The Scheme will deliver extensive benefits as referred to in the documents above which are as follows:

- A reduction in congestion and delays through;
 - improved journey times
 - improved journey time reliability as it provides more capacity, which in turn reduces congestion and journey time delay.
- Economic benefits including;
 - local air quality (£4.74M)
 - accident reductions (£22.92M)
 - travel time savings including commuting, businesses, and other (£155.48M)
 - Indirect Tax Revenues (£5.66M)
 - wider economic impacts (£41.8M)
 - employment opportunities during construction
- Safety improvements as a result of;
 - a decrease in the total number of collisions and casualties with the Scheme
 - safer travel and reduced fear of accidents for pedestrians and cyclists
- Environmental benefits including;
 - improvements to visual amenity and landscape character over the long-term
 - wildlife and green infrastructure enhancements including Biodiversity Net Gain and chalk grassland restoration
 - enhanced pollution and run-off control

- enhanced provision for pedestrians, cyclists and horse-riders. This includes a new footbridge over the River Itchen and new subways under Junction 9, improving cycle connectivity, especially for the National Cycle Network Route 23 and improvements to the horse-riding provision on the eastern side of the Scheme.
- improvements to the air quality and noise environment within Winchester city centre
- design of the Scheme using PAS 2080 (BSI, 2016) to manage and reduce embodied carbon

2.3.5 These benefits have been identified as a result of a large number of robust technical assessments as set out in the application.

2.3.6 The Applicant takes the view that the benefits of the Scheme must carry significantly greater weight than the impacts. This, alongside careful consideration of the balance of those benefits against those impacts, inevitably leads to the conclusion that the Scheme's benefits significantly outweigh its impacts.

3 Alternatives

3.1 Scheme alternatives

- 3.1.1 The assessment of alternatives has been considered in accordance with the guidance in *Design Manual for Roads and Bridges (DMRB) LA 104 Environmental Assessment and Monitoring (Highways England, 2020)*. The assessment undertaken is set out in full within **Chapter 3 (Alternatives Assessment)** of the **Environmental Statement (ES) (6.1, Rev 1)**.
- 3.1.2 During the Examination, questions surrounding modal alternatives were posed to the Applicant on more than one occasion, particularly consideration of a rail-based solution.
- 3.1.3 The Applicant has responded to this in **Section 1.3.4 of Appendix A (Further information regarding alternatives)** in the **Applicant written summaries of oral case for Issue Specific Hearing 3 (ISH3) (8.15, REP4-036)** and reiterated the case in response to question **ExAQ3 4.3.2 in the Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**.
- 3.1.4 The Applicant's position on this matter remains that the appraisal process informing the Department for Transport's (DfT) decision reflects the wording contained within paragraph 4.27 (line 8 and 9) of the *NPS NN* which states that *'For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process'*.
- 3.1.5 Considering Paragraph 4.27 of the *NPS NN* and given the Scheme's status as a national road project included within an investment strategy, the Examining Authority can reasonably rely on the assumption that a suitable and proportionate assessment of alternative modes has taken place.

3.2 Construction Compound

- 3.2.1 In preparing and assessing the options for the location of the construction compound a number of factors were considered as outlined in response to **ExAQ2 4.2.2 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**. The sifting process for the potential construction compound locations was undertaken in stages. This is explained in **Chapter 3 (Assessment of Alternatives)** of the **Environmental Statement (ES) (6.1, Rev 1)** was updated at Deadline 4 to include a post-submission review of the alternatives for the construction compound. At the request of South Downs National Park Authority and the Examining Authority this included Badger Farm as a potential location for the main construction compound, which was not originally included because it was unavailable, already being used as a construction compound for the All Lane Running (ALR) Junction 9 – 14 upgrades, and the construction periods were due to overlap.

- 3.2.2 As part of the consideration of Badger Farm in May 2023, a sensitivity check was undertaken to review whether any other land parcels outside the South Downs National Park had become available. These would be at a reduced size of approximately 3ha and may have been previously discounted in the 2020 review of construction compound sites. No new 3ha land parcels were identified during this survey. **Table 3.5 of Chapter 3 (Assessment of Alternatives) of the Environmental Statement (ES) (6.1, Rev 1)** provides the assessment of Badger Farm against the relevant criteria: proximity to construction site and accessibility; utility connections; and the South Downs National Park.
- 3.2.3 The conclusion of this exercise as outlined in **Paragraphs 3.13.31 – 3.13.36 of Chapter 3 (Assessment of Alternatives) of the Environmental Statement (ES) (6.1, Rev 1)** was that Area A remains the preferred option for the main construction compound and the area included in the application.

Need for the construction compound in the proposed location

- 3.2.4 The Applicant has sought to illustrate in more detail the nature of the activities that will take place within the construction compound to facilitate the construction of the Scheme including the need for the compound to be proximate to the location of the construction works themselves. In particular, response to **ExAQ2 Q4.2.7 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)** outlines why Badger Farm (and by proxy other alternative sites located outside the Application Boundary) would not be suitable for reasons relating to: workforce welfare; material storage; and operational staffing requirements. In addition, in response to **ExAQ2 4.2.11 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**, the Applicant outlined that there would be impacts on productivity and disruption to the existing road network.
- 3.2.5 Further information was provided in response to **ExAQ3 4.3.6 in Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)** regarding the meaning of operational staff and the practical issues relating to material storage at an off-site location outside the order limits. This includes how to manage a working construction site safely and effectively to reduce the risks of accidents and damage to materials, as well as considerations for which the Applicant has less control over, such as the procurement process and the logistics associated with receiving delivery of materials in a co-ordinated fashion to ensure works are not stopped or unnecessarily delayed.
- 3.2.6 A further reduction in the size of the main construction compound as suggested by the South Downs National Park Authority is not reasonable for the reasons set out in the responses to **ExAQ3 4.3.4 - 4.3.8 within Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**.

Impacts of the Temporary Construction Compound

- 3.2.7 In response to **ExQA3 4.3.5(I)** in **Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)** and **ExAQ2 4.2.2(ii)** in **Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**, the Applicant has further expanded upon how the sensitivity of the South Downs National Park has been determined.
- 3.2.8 Within the **South Downs National Park Authority - Deadline 7 Submission (REP7-006)**, the **fourth bullet** states that the protection afforded to the National Park is in its entirety. The Applicant agrees that the designation as a National Park and the protections afforded to it in policy and legislation cover the National Park in its entirety (including its setting) but it cannot be said that all areas of the National Park, or all areas of its setting, exhibit the same qualities, or that they are experienced in the same way. The Applicant has sought to first contextualise the qualities of the South Downs National Park in this location, in order to appropriately determine the magnitude of the impacts and change arising from the Scheme.
- 3.2.9 The Applicant considers that a development of this nature in a relatively untouched central area of the National Park cannot be said to have the same impacts on the special qualities as one at the western edge where the existing M3 motorway is present. Whilst the protections are afforded equally, the special qualities of the National Park itself are not distributed evenly. It is both the positive and negative characteristics of an area which define local distinctiveness. An example of this is the special quality 2 'tranquil and unspoilt places.' Where the *South Downs National Park Authority Local Plan (2019)* (Page 20 paragraph 3.8) states: '*The Western Downs contain some of the most tranquil (SQ2) areas and darkest night skies in the National Park. However, it also contains some areas of relatively low tranquillity, for example, the area surrounding the city of Winchester.*'
- 3.2.10 The Applicant maintains that the character and quality of the National Park in the location of the proposed Scheme is an important factor in assessing any impacts.
- 3.2.11 To assist in demonstrating the potential impacts of the main construction compound being located in this area the Applicant submitted an indicative plan provided in **Appendix D (Construction compound layout plan)** of the **Applicant written summaries of oral case for Issue Specific Hearing 1 (ISH1) (8.13, REP4-034)** showing the layout of the construction compound. This demonstrates that the Applicant is able to locate the fixed elements lower in the landscape to further reduce the visual effects and respond appropriately to the site topography. A sensitive layout of the construction compound will ensure effects are minimised as far as reasonably practicable. **Appendix E (Zone of Theoretical Visibility (ZTV) of the construction compound)** of the **Applicant written summaries of oral case for Issue Specific Hearing 1 (ISH1) (8.13, REP4-034)** provides a plan showing the Zone of Theoretical

Visibility (ZTV) which illustrates the limited views of the construction compound from within the National Park beyond 1km, with more longer views from the west outside the National Park.

- 3.2.12 While it is not reasonable to require the Applicant to fix the layout of the main construction compound the Applicant has offered Requirement 15 which sets a maximum height of 4m for any static units contained in the main construction compound. In response to **ExAQ3 12.3.8** in **Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**, the Applicant has explained why the height restriction is set at a maximum height of 4m.
- 3.2.13 The Applicant restated in response to **ExAQ3 4.3.4(iii)** in **Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)** that the effects from the loss of agricultural land are temporary and reversible being entirely confined to the construction phase. The potential reduction of elements to be included within and connecting to the compound during the construction phase does not preclude the need for some of the key elements of the compound in any event, and therefore a visual effect would remain. Specifically, an access road at this location is required to facilitate construction access to the Scheme from the A272. This haul road, together with other visible construction phase activities occurring immediately adjacent in the agricultural fields to the north of Easton Lane and at Junction 9, including the removal of vegetation to facilitate the construction of the Scheme, would be visually perceptible features.

Summary on the construction compound

- 3.2.14 In response to **ExAQ3 14.3.2** in **Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**, the Applicant has set out why the approach taken to determining the appropriate siting of the construction compound was proportionate and reasonable. Taking into account the high level of protection afforded to the South Downs National Park by policy and the duty have regard to the statutory purposes of the National Park. Appropriate weight was given to balancing the temporary impacts arising from construction against the permanent impacts of the Scheme.

4 Principal issues during Examination

4.1 Introduction

- 4.1.1 As outlined in the Introduction to this Closing Statement the Applicant has deliberately sought to draw out points relating to matters that have been the focus during the Examination. The **Environmental Statement (6.1, APP-042 – APP-059)** and supporting **Appendices (6.3, APP-078 – APP-152)** set out the full assessment methodology and conclusions on the likely significant effects on the environment. For this reason this information has not been repeated here.
- 4.1.2 During the Examination the Applicant is pleased to have reached agreement on the majority of concerns and issues raised by Interested Parties. **Section 5 of the Progress with Statements of Common Ground (7.12, Rev 2)** provides a summary of the principal issues covered in the various Statements of Common Ground and demonstrates where matters have been agreed.
- 4.1.3 **Section 6 of the Progress with Statements of Common Ground (7.12, Rev 2)** provides a summary of the matters not agreed between the Applicant and each other party. Outstanding issues are considered in further detail below:
- Climate (**Section 4.2**)
 - Landscape and visual effects (**Section 4.3**)
 - Other Matters (**Section 4.4**)

4.2 Climate

- 4.2.1 The climate assessment is reported in **Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)**. In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the assessment covers both the potential impact of the Scheme on climate (in terms of changes in greenhouse gas (GHG) emissions) and the potential impacts of future changes in climate on the project itself (i.e. the vulnerability of the project to climate change).
- 4.2.2 The assessment was undertaken in accordance with DMRB LA 114 Climate (Highways England, 2021) and the *NPS NN* which contain the primary source of policy and guidance regarding this assessment.
- 4.2.3 **Section 14.9 and 14.16 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2)** set out the embedded and essential mitigation measures for the construction and operation stages of the Scheme. The assessment identified no likely significant effects at either construction or operation stage, both in terms of the impact of the Scheme on climate and the impact of climate on the Scheme.

4.2.4 During the Examination process, comments were received on the climate assessment from a number of Interested Parties including Winchester City Council, Climate Emergency Policy and Planning, Winchester Action on the Climate Crisis and Winchester Friends of the Earth. The key points raised are summarised below.

Contextualisation against net zero trajectories

- 4.2.5 Comments during the Examination criticised the assessment for not using the *Institute of Environmental Management and Assessment (IEMA) guidance on Assessing Greenhouse Gas Emissions and Evaluating their Significance* (IEMA, 2022). IEMA guidance states that it is good practice to contextualise a project's emissions against multiple sources of evidence such as sector and local emission trajectories, not just national Carbon Budgets as is the methodology within the DMRB LA 114 Climate (Highways England, 2021)
- 4.2.6 The Applicant acknowledges that there is more than one way to assess the impact of a project's emissions. However the appropriate standard for motorway and all-purpose trunk roads in the United Kingdom is DMRB LA 114 Climate (Highways England, 2021). Under this standard, the policy set out in the *NPS NN* and the Climate Change Act 2008, the only statutory net zero trajectories are the Carbon Budgets and the 2050 net zero target set at a national level. Accordingly, there is no reasonable basis upon which the Applicant can assess the potential likely significant effect of the Scheme's carbon emissions at anything other than at the national level.
- 4.2.7 On the basis that IEMA guidance considers the national budget to only be the starting point for context, the Applicant provided a contextualisation against the indicative Carbon Budget Delivery Plan (CBDP) sectoral net zero trajectories for industry and transport, as well as against the Tyndall Centre net zero trajectory for the South East region of England. However, the contextualisation's do not provide an alternative assessment of significance using national Carbon Budgets that is provided in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**.

Cumulative

- 4.2.8 As set out in **Paragraph 14.5.37** of **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**, the assessment of climate impacts undertaken is inherently cumulative. This is as a result of:
- the inclusion of the Scheme and other locally committed transport schemes and developments within the traffic model on which the road user carbon emissions calculations are based;
 - the fact that national carbon budgets themselves are cumulative since they address carbon emissions from a wide variety of sources across the different sectors of the economy; and

- the assessment providing for an overall change in emissions as a result of the Scheme which can be set against and in the context of the UK carbon budgets.

Mitigation measures

- 4.2.9 The Applicant provided a consolidated list of climate mitigation measures that are set out across different application documents in **ExAQ3 6.3.1 Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**. The mitigation, alongside information outlined in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**, confirm that the carbon mitigation hierarchy has been applied to the Scheme and fulfils the requirement of the DMRB LA 114 Climate (Highways England, 2021) and the *NPS NN*.
- 4.2.10 As the carbon emissions from the Scheme are not net zero Winchester City Council requested additional mitigation in the form of a Carbon Offsetting Fund and additional design measures such as a hydrogen fuelling hub. There is no requirement in the Climate Change Act 2008 (CCA) or in existing Government policy for carbon emissions for all road transport to become net zero. A net increase in emissions from a particular policy or project is managed within the Government's overall strategy for meeting carbon budgets and the net zero target as part of 'an economy-wide transition'. In addition, the EIA Regulations only require mitigation where significant adverse effects are identified, which is not the case for the Scheme as assessed in **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**. On this basis and the requirements of the DMRB LA 114 Climate (Highways England, 2021) and the *NPS NN*, the Applicant is not required to provide the additional mitigation requested by Winchester City Council.

Significance and the ability for UK to meet the carbon budgets

- 4.2.11 Comments received during the Examination apply the definitions of significance set out within IEMA guidance to conclude significant effects resulting from the greenhouse gas emissions associated with the Scheme.
- 4.2.12 The Applicant is not required to follow IEMA guidance given that the DMRB LA 114 (National Highways, 2021) is the appropriate standard for motorway and trunk road schemes in the UK. In using the DMRB LA 114 Climate (Highways England, 2021), **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)** concludes that the Scheme is not anticipated to give rise to a significant effect on climate. This is also in line with the position set out within Section 5.18 of the *NPS NN*.
- 4.2.13 The Applicant responded on the matter of the Prime Minister's announcement to delay the sale restrictions on new petrol and diesel vehicles to 2035 in **ExAQ3 6.3.7 Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**. The greenhouse gas (GHG) assessment is based on fleet projection data that pre-dates the previous 2030

car sale ban which was announced in 2020. It is therefore considered that the assessment is still based on a worst-case scenario and is not affected by the 2023 Government announcement.

- 4.2.14 Issues have also been raised on the need to consider the risk to delivery of the Carbon Budgets, which the Government has a legal duty to deliver, in the context of the legal challenge to the Carbon Budget Delivery Plan. The Applicant acknowledges that this is matter a for the Secretary of State to consider when making a decision on the Scheme.

Relevant case law and its application

- 4.2.15 Throughout the Examination, both the Applicant and Interested Parties have noted the relevance of recent High Court decisions that have been made on other road schemes. These Judicial Review challenges principally covered criticism on the approach to the assessment of cumulative effects. They found that the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021) is the appropriate methodology to be used given that: the assessment of greenhouse gases is not limited by a specific geographical boundary; and that the UK Carbon Budgets account for cumulative emissions from a number of sectors.

Conclusion

- 4.2.16 In summary, a robust and comprehensive assessment has been undertaken of both the impact of the Scheme on climate and potential impacts of possible changes in climate on the Scheme, in accordance with the DMRB LA 114 Climate (Highways England, 2021) and the *NPS NN*. This assessment has shown that the Scheme is unlikely to have a significant effect on climate or be significantly affected by climate change.

4.3 Landscape and visual effects

- 4.3.1 Chapter 7 (**Landscape and Visual**) of the **Environmental Statement (ES) (6.1, Rev 1)** provides a robust Landscape and Visual Impact Assessment, undertaken in accordance with various professional standards and guidance, including the Design Manual for Roads and Bridges (DMRB) LA 107 Landscape and Visual Effects (Highways England, 2020) and the *Guidelines for Landscape and Visual Impact Assessment Revision 3* (Landscape Institute and Institute of Environmental Management and Assessment, 2013) (GLVIA3).
- 4.3.2 The outcomes of these assessments are supported by various documents, namely the **Design and Access Statement (7.9, APP-162)**. This sets out the Design Strategy and principles which have informed the design with the aim of avoiding and minimising adverse landscape and visual effects. This design strategy was realised through **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4))** of the **ES (6.2, Rev 1)** which identified a range of embedded and essential environmental mitigation measures.

- 4.3.3 Furthermore **Appendix 7.6 (Outline Landscape and Ecology Management Plan) of the ES (6.3, APP-102)** sets out measures for the maintenance and management of the proposed environmental mitigation measures to ensure their success and that they are delivered to a high environmental standard.

Key issues

- 4.3.4 During the Examination process the South Downs National Park Authority highlighted a series of key issues in relation to Landscape and Visual Effects and Design. These are summarised in **Paragraph 6.9 of the South Downs National Park Authority Local Impact Report (REP2-071)**. The main issues related to: changes to topography, vegetation clearance, the location of the main construction compound, the drainage features, chalk grassland creation including its interface with agricultural land, proposed vegetation, and proposed Public Rights of Way.
- 4.3.5 Prior to and during the Examination the Applicant has engaged with the South Downs National Park Authority. As a result of comments received from South Downs National Park Authority during the Examination, the Applicant has provided additional materials and made appropriate amendments and additions to submission material. This included:
- Submission of the **Design Principles Report (8.18, Rev 1)** drafted to capture the key principles, and to make a commitment that these will be maintained and developed in the future detailed design and delivery phases of the Scheme.
 - Submission of additional longitudinal cross sections (north – south) to explain the changes to the topography within the East Winchester Open Downland landscape.
 - Updates to the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7)** to include two additional commitments (**LV25 and LV26**) within the **Register of Environmental Actions and Commitments (REAC) (Table 3.2)** committing to deliver additional woodland planting on the eastern side of the M3 corridor to provide a minimum of 25m of vegetation on the proposed cut earthworks replacing chalk grassland on the lower slopes, and additional woodland planting replacing species-rich grassland located between the A33 and M3 northbound highway.
 - Commitments to the establishment phase for chalk grassland to be included within **Requirement 6 of the draft Development Consent Order (3.1, Rev 6)**, and additional commitments to monitoring landscape measures during the establishment phase as set out in LV22 of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7)**.
 - Submission of additional visual materials for the proposed compound including cross sections and a Zone of Theoretical Visibility (ZTV) to show the theoretical visibility of activities located at the facility.

- Submission of additional winter visualisations to aid the understanding of the Examining Authority.

4.3.6 The following sections summarise the Applicant's position on the key issues raised by the South Downs National Park Authority.

Topography

4.3.7 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** that its primary concerns in relation to topography relate to the *'cutting into the chalk Open Downland east of the existing M3 and the deposit of the excess spoil into two existing natural depressions / dry valleys in the Downland leading to significant harmful impacts'*.

4.3.8 The Applicant acknowledged this change; the Scheme includes topographical changes with cut and fill required. Given its location, the Scheme will expose and generate chalk. Excavated chalk will be placed on the eastern slopes, in a manner which is appropriate and suitable for creation of chalk grassland, particularly within the East Winchester Open Downland landscape. Here the material will be spread over a sufficient area so that the volume being deposited is blended into the landforms and is reflective of the existing profiles.

4.3.9 Adjacent to the highway and associated infrastructure, given the topographical variation of the landscape, landform changes are proposed in the immediate vicinity of the highway. The types of engineered landform features proposed are already present in the locality and will be vegetated in order to be successfully integrated into the surrounding landscape.

Vegetation clearance

4.3.10 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** its concerns with vegetation loss *'including the tree removal along the eastern edge of the M3, currently the trees / vegetation softens the interface between the motorway and the SDNP'*.

4.3.11 It also suggested that that the loss of this vegetation would have negative impacts by opening up views of the motorway corridor and the new infrastructure and increased activity within it. It would also open up views across the valley towards built up parts of Winchester.

4.3.12 The Authority however acknowledged that *'it would appear that most of the proposed vegetation loss is unavoidable as it relates to vegetation within the footprint of the currently proposed works'* and requested that *'advanced planting is undertaken to minimise the opening up of views as much as possible'*.

4.3.13 In response to this request the Applicant provided additional materials to confirm the extent and reasoning for inclusion of advanced planting at Deadline 3 in **Appendix C (Proposed advanced planting locations and the**

rationale for each) of the Applicants Comments on the Local Impact Reports (8.9, REP3-023). Following the South Downs National Park Authority submission at Deadline 7, the Applicant has amended **LV16** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7)** at Deadline 8.

Main Construction Compound

4.3.14 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** that the construction compound *'in the proposed location it will protrude into and exacerbate the negative impact of the proposed works on, the National Park'*. Further exchanges on the construction compound followed and have been summarised in **Section 3.2** above.

4.3.15 As summarised at Deadline 6, in the **Applicant Response to the Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023)**, the Applicant confirmed that the location of the main construction compound does not result in any permanent effects on landscape receptors. The effects from the loss of agricultural land are temporary and reversible being entirely confined to the construction phase.

4.3.16 To aid understanding of the proposals, additional visual materials for the proposed compound including cross sections and a Zone of Theoretical Visibility were submitted at Deadline 5.

Drainage features

4.3.17 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** that the *'form and location of the swale and attenuation ponds (and the associated earthworks required) would have a negative impact and this would be exacerbated by proposals to enclose the pond with scrub and woodland planting'*.

4.3.18 The Applicant provided a response to this at Issue Specific Hearing 1 as summarised in **Applicant written summaries of oral case for Issue Specific Hearing 1 (ISH1) (8.13, REP4-034)**. This identified that the basins and swale to the east of the M3 corridor would be wet for several days of the year and would have a form comparable to the existing chalkland landscape.

4.3.19 Acknowledgement was also given to the variation in the definition of the landscape character at this location between the South Downs National Park Authority's and Hampshire County Council's Landscape Character Area definitions. The Applicant subsequently summarised its response to the proposed landscape mitigation in **Appendix A (Attenuation basin 5 and landscape design relationship to landscape character) position paper** of the **Applicant Written Summaries of Oral Case for ISH1 (8.13, REP4-034)** submitted at Deadline 4. A further question **ExAQ3 12.3.2** was raised by the Examining Authority and was responded to in the **Applicant responses to the Examining Authority's Third Written Questions (8.22, REP6-023)**.

4.3.20 The Applicant reasserted that, given the introduction of new highway infrastructure and associated infrastructure in this location, the woodland proposals provide appropriate mitigation in context of the existing character of the local area. It was also highlighted that, given the introduction of highway infrastructure, the South Downs National Park Authority had no preferential landscape proposals for this location.

Chalk grassland creation

4.3.21 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** that the *'provision of Chalk Grassland is a positive attribute of the proposed scheme'*. However *'the details proposed within the landscape east of the M3 would establish an artificial new line or sub-division within the Open Downland'*. The South Downs National Park Authority identified that *'further measures are required'* and *'the fields east of the M3 should be treated as one'... 'and all reverted to Chalk Grassland'*.

4.3.22 The Applicant provided a response to this at Issue Specific Hearing 1 as summarised in **Applicant written summaries of oral case for Issue Specific Hearing 1 (ISH1) (8.13, REP4-034)**. This confirmed that 9ha of chalk grassland is being provided in a ~100m strip across the east of the Scheme. The Applicant acknowledged that chalk grassland is considered a benefit and has worked to achieve the aspirations of the South Downs National Park Authority but disagrees that further chalk grassland would act as mitigation.

4.3.23 The design proposals reflect requirements between balancing land take within the South Downs National Park, the impacts on the Best and Most Versatile agricultural land and providing proportionate mitigation. The Scheme would conserve the most versatile farmland.

4.3.24 The Applicant at Deadline 6 amended entry LV22 in the **Register of Environmental Actions and Commitments (REAC) (Table 3.2)** within the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7)** to include additional commitments to monitoring this new habitat.

Proposed vegetation

4.3.25 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** that *'in places the width of proposed tree planting alongside the eastern edge of the M3 is only 10m wide which is unlikely to be sufficient to provide a robust level of screening of the road infrastructure'*. The South Downs National Park Authority requested additional woodland with a minimum width of 25m.

4.3.26 The Applicant provided a response to this in the **Applicant's Comments on Local Impact Reports (8.9, REP3-023)**. This confirmed that a *'small length (~260m) of planting will be less than 25m wide'* this is *'a result of the topography at this location, with planting located on the edge of the defined Open Downland landscape where topography profiles steepen'*.

- 4.3.27 The Applicant considers the approach to planting in this location responds positively to the recommendations set out in the South Downs National Park Authority Landscape Character Assessment and it confirmed that visibility analysis undertaken to demonstrate the effectiveness of the planting and landform proposals did not improve as a result of increasing the width of this planting.
- 4.3.28 However, at Deadline 5 the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7)** was updated to include additional commitments **LV25** and **LV26** within the **(Register of Environmental Actions and Commitments) (Table 3.2)** to provide commitment to additional woodland planting on the eastern slopes and also in the land parcel located between the A33 and M3 (adjacent to attenuation basins 1 and 2).

Effects on the South Downs National Park in the long term

- 4.3.29 A key comment received has been the difference in professional opinion about the effects on the South Downs National Park designation.
- 4.3.30 Throughout the Scheme development, the sensitive location required the design of the Scheme to minimise landscape effects, particularly those experienced within the South Downs National Park and its setting to avoid harm.
- 4.3.31 With this context the Applicant consulted the South Downs National Park Authority whilst developing proposals to avoid and minimise effects. Prior to Examination this included removal of proposed artificial earthworks on the high flank of the downland, removal of the spoil deposition areas, reduction in size of the proposed construction compound and optimum siting of this to minimise harm on areas of the South Downs National Park.
- 4.3.32 The footprint of the Scheme was minimised as far as reasonably practicable and with consideration of wider environmental effects, site-gained material was used to aid visual screening of the highway corridor through the implementation of sympathetically designed earthworks. Proposals sought to reflect the existing landform, support visual screening and integrate the highway corridor into its landscape context.
- 4.3.33 The design also minimised the height of structures within the landscape, returned land to agriculture, and included a range of appropriate soft landscape planting which responds to the local character.
- 4.3.34 Throughout the Examination the Applicant maintained the view that reported effects on the South Downs National Park are non-significant in the long term when considering impacts on the special qualities of the designation, particularly in the vicinity of the Scheme.
- 4.3.35 This judgement is determined on the basis that the mitigation measures re-provide vegetation features lost during the construction period. It accounts for the existing baseline where the M3 corridor is a visible and audible feature on

the existing western edge of the South Downs National Park, the footprint of the Scheme (in context of the wider designation) is geographically small, and the special qualities which define the designation are weakened at this edge.

- 4.3.36 Following implementation and establishment of mitigation it is considered the Scheme will be no more perceptible in the landscape than the existing highway network.
- 4.3.37 Furthermore, this judgment considered the Scheme as a whole which included beneficial changes. These include the introduction of new areas of chalk grassland as a natural feature supporting biodiversity, the new WCH access provisions including improved access to the South Downs National Park, modifications to landforms which support reduced visibility of man-made features, with some reduction in audibility of the existing M3 corridor, and the enhancement of and ability to experience new natural features within the South Downs National Park.
- 4.3.38 Throughout the process the South Downs National Park Authority has maintained the position that the effects on the South Downs National Park remain significant in the long term. The Applicant disagrees with this position.

4.4 Other matters

Public rights of way

- 4.4.1 The South Downs National Park Authority identified in its **Local Impact Report (REP2-071)** that *'whilst the principle of providing new and improved public rights of way is positive, not enough attention has been paid to mitigating the negative effects of the roads to achieve the benefits that are being claimed'*. *'Further consideration on design measures is needed to make the routes safe and attractive, such as providing bunds between the routes and the carriageway and / or additional planting, and measures to maximise the sense of spaciousness and the actual and perceived sense of safety within the subways.'*
- 4.4.2 The Applicant provided a response to this in the **Applicant Comments on Local Impact Reports (8.9, REP3-023)**. This confirmed that *'the Applicant welcomes the view that the provision of new public rights of way is positive'*. *'A key objective of the Scheme is to provide improvements for walkers, cyclists and horse riders, which represent different forms of active travel.'*
- 4.4.3 The Applicant also confirmed *'the provision takes into consideration the objectives of the National Policy Statement for National Networks (NPS NN) in that it caters to 'helping pedestrians and cyclists' (Paragraph 3.17) by introducing walking, cycling and horse-riding routes. In relation to operational safety of the walking, cycling and horse-riding routes, it is considered that they will keep walking, cycling and horse-riding users away from high-speed traffic and provide them with a user-friendly accessible solution.'*

4.4.4 The Applicant went on to confirm that *‘the Scheme includes a range of environmental measures as identified on **Figure 2.3 of Chapter 2 (The Scheme and its Surroundings – Figures (Part 2 of 4) of the ES (6.2, Rev 1)**. Along the proposed Footway and Cycling Route between Kings Worthy and Winnall which connects to the Itchen Way, a range of measures are proposed. including:*

- *native scrub planting, linear shrub and tree planting, and broadleaved woodland planting to replace lost vegetation and integrate the Scheme into the environment;*
- *native species hedgerows to provide visual screening and separate the highway and Winnall Industrial Estate from the new WCH route whilst providing a visual amenity;*
- *individual tree planting for visual screening and visual amenity; and*
- *appropriate native seeding and planting mixes which will be specified as part of the detailed design of the Scheme including in the vicinity of the Footway and Cycling Route which will enhance visual attractiveness and biodiversity.*

4.4.5 The Applicant considers that the design proposals have had due consideration to the user experience throughout the design development whilst balancing considerations of operational requirements of the highway, below ground utilities and services, and management and maintenance requirements. Overall, the Scheme is considered to deliver beneficial improvements to the WCH network, and it improves access to the South Downs National Park.

Traffic and Transport

4.4.6 The improvements proposed as part of the Scheme maintain existing connectivity on the road network, whilst providing enhanced capacity, simplified routing and improved facilities for walking, cycling and horse-riding routes and landscaping enhancements.

4.4.7 The Scheme will provide new free flow links between the M3 and A34, as well as a dedicated new A33 alignment. This removal of A34 traffic from the M3 Junction 9 gyratory reduces congestion at the gyratory and increases the attractiveness of A272/A31 Spitfire Link as an access route to the M3 and Winchester City. This attracts traffic that would otherwise be diverted onto other routes on the local network.

4.4.8 There have been three key issues identified in the Examination in relation to transport:

- Safety
- Modal shift

- Journey times

Impacts of the Scheme on road safety

- 4.4.9 The highest proportion of existing accidents occurred in the form of rear shunts, followed by lane changes. The majority of historical accidents happened on the A34 southbound approach and M3 northbound off-slip approach to Junction 9, as well as them being a common reason for accidents on the A272 and Easton approaches to Junction 9. The rear shunts occurred as a result of the high traffic volumes combined with the stop-start conditions caused by the traffic signals.
- 4.4.10 The Scheme will result in reduced stop-start conditions and reduced lane changing manoeuvres and consequently a reduced number of accidents. There will also be a reduction in the number of accidents by reducing queueing and delays.
- 4.4.11 Accident analysis from the strategic modelling indicates that, over a 60-year timeframe the improvements are predicted to save a total of 537 accidents, including 68 Killed or Seriously Injured (KSI) casualties.
- 4.4.12 During the examination, clarification was sought on the distribution of predicted safety benefits associated with the introduction of the Scheme. This was provided in the **Appendix B (Visualisation of distribution of safety benefits)** in the **Applicant Response to the Examining Authority's Third Written Questions (EXQ3) (8.22, REP6-023)**.
- 4.4.13 The centre of the visualisation in **Appendix B (Visualisation of distribution of safety benefits)** in the **Applicant Response to the Examining Authority's Third Written Questions (EXQ3) (8.22, REP6-023)** demonstrates that the total predicted safety benefits of the Scheme (£22.9M) are focussed in and around the applicant boundary and dissipate further away from the Scheme, as the traffic impacts associated with the Scheme reduce. The safety benefits arising from the improvements to Junction 9 are significant and are predicted to reduce the number of accidents, resulting in a safer Junction.

Modal Shift

- 4.4.14 During the examination, clarification was sought on the representation of modal shift for freight within the modelling. The modelling does not explicitly represent the functionality for freight to move from road to rail or vice versa as a consequence of the introduction of the Scheme. Instead, the modelling makes use of regional freight projections prepared by Department for Transport (DfT) which are consistent between the 'with Scheme' and 'without Scheme' scenarios. These DfT projections include consideration of how much freight is anticipated to travel by road. In addition, there are specific factors that are applied to road freight to and from the Solent port area to specifically align with port forecasts of road freight demand in each of the forecast years.

- 4.4.15 In May 2023, the operators of Southampton Port, DP World, issued information regarding a potential trial to incentivise freight transporters to use rail for moving freight in a 140 mile radius of Southampton, including to Birmingham/The Midlands. Within this initiative DP World suggest they believe there is capacity to increase rail usage from 25% to 40%. Calculations were undertaken to better understand the implications of the potential DP World proposals on the operational performance of the transport network if the DP World proposals were introduced and were as successful as DP World suggested they might be. The result of the calculations was that there would be a decrease of less than five HGVs per hour. A reduction of this level was concluded to have a negligible impact.
- 4.4.16 Further details regarding modal shift to rail are provided in **Section 1.2 of Appendix A (Traffic and transport post hearing information) of Applicant written summaries of oral case for Issue Specific Hearing 2 (ISH2) (8.14, REP4-035)**. The Applicant's position remains that it has appropriately considered the modal share of freight on the road network in the assessment and that there are no currently committed schemes considering the move of freight from road to rail which would have a material impact on the Scheme.

Journey times

- 4.4.17 During the examination, clarification was sought on the journey time savings accrued between the strategic and the micro-simulation models and how these journey time savings are monetised, see **Applicant response to Written Representations (8.8, REP3-022)** in response to REP02-75c.
- 4.4.18 The strategic model considers broad travel patterns and travel behaviours such as; which route is taken, which mode is used, where to travel from and to and during which time of the day. The strategic model extends more than 40 miles in each direction beyond the Application Boundary and is used to predict the wider traffic impacts associated with the Scheme. It is these impacts, that are used to inform the operational, environmental and economic appraisal of the Scheme.
- 4.4.19 The microsimulation model provides more detailed, granular analysis (than that of the strategic model) by simulating individual vehicle movements and their interactions on the transport network. The microsimulation model covers a geographic area that extends to just outside the Application Boundary and is used to determine the operational performance of the Scheme within the Application Boundary in terms of queues and delays. Traffic demand used in the microsimulation model is derived from the forecasts of travel demand in the strategic model, to help ensure consistency between the two models. However, there is some variance in predicted journey time savings between the two model types – these can be attributed to the difference in model simulation techniques, with the microsimulation model simulating individual vehicle interactions, while congestion within the strategic model uses more aggregate measures of traffic and capacity constraints.

- 4.4.20 While journey time differences are summarised and reported for a range of specific journey time routes for both the microsimulation model and the strategic model, it is the difference in journey times between the 'with' and 'without' Scheme scenarios from the strategic model that are used in the economic appraisal calculations. In undertaking these calculations, the differences in travel times for every link in the road network within the strategic model are compared between 'with' and 'without' the Scheme, to understand the predicted overall journey time impacts associated with the Scheme. These impacts, quantified in units of time are then translated to monetised benefits using values of time (as prescribed by the Department of Transport in their Transport Appraisal Guidance (TAG)), these are then summarised and considered 'user benefits' in the economic appraisal.
- 4.4.21 The Applicant's position remains that the journey time savings, improvement in journey time reliability, and the economic benefits accrued from the journey time savings, represent significant and appropriate benefits arising from the Scheme, that would help reduce delays and ease congestion at Junction 9.

Biodiversity

- 4.4.22 Matters relating to biodiversity have been satisfactorily addressed throughout the Examination process. At Deadline 6 there were two outstanding matters between the Applicant and Natural England. Considerable progress has been made since Deadline 6. 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: provision of further air quality assessment data relating to the River Itchen Special Area of Conservation (SAC), Sites of Special Scientific Interest (SSSIs), and other issues relevant to Natural England's consideration of the **Habitats Regulations Assessment (HRA) (7.5, Rev 2)**.
- 4.4.23 Regarding the draft dormouse licence application, Natural England issued a Letter of No Impediment on the 10 November 2023. This provides the Examining Authority and the Secretary of State with confidence that the competent licensing authority (Natural England in this case) sees no impediment to issuing a licence in future, based on information assessed to date in respect of the Scheme. Guidance was provided by Natural England to the Applicant based on matters agreed between the two parties which would assist the preparation of a successful licence application in due course.
- 4.4.24 Regarding the air quality assessment issues which were previously outstanding, on 10 November 2023 the Applicant has provided further additional information to Natural England as it had requested on 8 November. This further information supports the conclusions of the air quality assessment that there would be no significant adverse effects resulting from the Scheme on the SAC and on SSSIs. This included information on worst-case scenarios relating to future assessment years and mix of forecast traffic including Electric Vehicles as well as information on new Nitrogen-critical loads and Ammonia lower critical levels.

- 4.4.25 It has also been agreed with Natural England that in relation to the anaerobic digestion plant there is no need to undertake further assessment of in-combination effects as previously requested.
- 4.4.26 All these matters relating to air quality effects on biodiversity and protected habitats are now shown as 'Agreed' in the **Statement of Common Ground with Natural England (7.12.5, Rev 1)** submitted at Deadline 8.
- 4.4.27 The Applicant will revise the **Habitats Regulations Assessment (HRA) (7.5, Rev 2)** accordingly and share the revised draft with Natural England for its consideration and anticipated approval before the Examination closes.

5 Consultation and stakeholder engagement

5.1 Summary of consultations

- 5.1.1 The Applicant has carried out its obligations under the Planning Act 2008 regarding consultation and has delivered its pre-application consultation in accordance with the requirements of the Planning Act 2008 and the applicable guidance.
- 5.1.2 Consultation on the Scheme has generated levels of interest and participation from a broad spectrum of consultees. It is recognised that certain members of the local community and stakeholders expressed concerns about the Scheme and its potential impacts, however there were also representations made supporting the Scheme, its benefits and the overall needs case.
- 5.1.3 Both supporters of, and objectors to, the Scheme have been able to contribute to the design development process. Design and decisions were either directly or indirectly influenced by the consultation undertaken.
- 5.1.4 The **Consultation Report (5.1, APP-025)** outlines the consultation undertaken by the Applicant, the feedback received on the Scheme and how the Applicant has had regard to this feedback when preparing the Development Consent Order application. Furthermore, it demonstrates that the Scheme development has been either directly or indirectly influenced by the consultation undertaken.

5.2 Summary of post application engagement with stakeholders

- 5.2.1 As part of the Examination process some of the key project stakeholders have entered into a Statement of Common Ground with the Applicant. These documents demonstrate the progress made in respect of each topic of discussion. All of these have now been submitted to the Examination process at various Deadlines.
- 5.2.2 Whilst it has been possible to make demonstrable progress on matters with many key stakeholders, as demonstrated in **Progress with Statements of Common Ground (7.12, Rev 2)**, some have been more willing to engage than others. Notwithstanding this, the Applicant has worked hard to respond to all the points made by the stakeholders.
- 5.2.3 Overall, the approach to engagement with stakeholders on the project has been a key priority for the project team. The Applicant is committed to continued engagement with the local community and stakeholders following the close of the Examination, as well as throughout the construction and, operational phases of the Scheme, should consent be granted.

6 Case and justification for compulsory acquisition

- 6.1.1 In the **draft Development Consent Order (3.1, Rev 6)** for the Scheme, the Applicant seeks compulsory acquisition and temporary possession powers in respect of certain land interests. A detailed description of the extent and nature of the powers sought is set out by reference to the Development consent Order application documents in **Chapter 3** of the **Statement of Reasons (4.1, Rev 5)**.
- 6.1.2 An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the land is required for the development to which the development consent relates, is required to facilitate or is incidental to that development, or is replacement land which is to be given in exchange for the order land in the case of a common, open space or fuel or field garden allotment, and that there is a compelling case in the public interest for the land to be acquired compulsorily. This is set out in section 122 Planning Act 2008. The Applicant must also have regard to the Compulsory Acquisition Guidance (CA Guidance) issued by DCLG and dated September 2013.
- 6.1.3 The Applicant has set out how it has complied with the statutory tests and CA Guidance in its **Statement of Reasons (4.1, Rev 5)**.
- 6.1.4 The Applicant has demonstrated that the land subject to compulsory acquisition is either needed for the development or is needed to facilitate the development or is incidental to that development. The land identified as being required for the Scheme has been based on environmental and engineering requirements and is the minimum necessary to construct, maintain and mitigate the Scheme. The Applicant has demonstrated this throughout the **Statement of Reasons (4.1, Rev 5)** but particular reference is in **Chapter 3 (Assessment of Alternatives)** of the **Environmental Statement (ES) (6.1, Rev 1)**, **Paragraphs 5.3.1 to 5.4.6** of **Chapter 5 (Air Quality)** of the **Environmental Statement (ES) (6.1, Rev 2)**. The purpose for which each plot of land is required is set out in **Annex A** of the **Statement of Reasons (4.1, Rev 5)**.
- 6.1.5 The CA guidance states that *'the applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, that is necessary and proportionate.'* The Applicant has demonstrated that all reasonable alternatives including modifications to the Scheme have been explored as explained in **Chapter 3 (Assessment of Alternatives)** of the **Environmental Statement (ES) (6.1, Rev 1)**, and as explained in the context of the CA Guidance at **Paragraphs 5.5.1 to 5.5.8** of the **Statement of Reasons (4.1, Rev 4)**.

- 6.1.6 The Applicant has demonstrated its approach to acquisition by agreement at **Paragraphs 5.7.1 to 5.7.2 of the Statement of Reasons (4.1, Rev 4)**. Notably there have been no objections to the Examination from landowners or occupiers to the use of compulsory acquisition powers over the land such that it was not necessary to hold a hearing to consider such matters.
- 6.1.7 Section 127 of the Planning Act 2008 states that an order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent where it would not cause serious detriment to the carrying on of the undertaking. To ensure no serious detriment to the carrying on of an undertaking, protective provisions have been inserted into the draft order. **Parts 1 and 2 Schedule 10** in the **draft Development Consent Order (3.1, Rev 6)** operate for the benefit of all electricity, gas, water, sewerage, and electronic communications code networks undertakers. The Applicant has engaged with Southern Water Limited who have confirmed that they are content to rely **on Part 1 of Schedule 10** in the **draft Development Consent Order (3.1, Rev 6)**. The Applicant is also currently engaging with Southern Water Limited to finalise a confidential side agreement. The Applicant has agreed bespoke provisions with Southern Gas Networks plc, which are contained at **Part 3 of Schedule 10** in the **draft Development Consent Order (3.1, Rev 6)**. Separately to the test in section 127, the Applicant has also agreed bespoke provisions with the Environment Agency at **Part 4 of Schedule 10** in the **draft Development Consent Order (3.1, Rev 6)** to govern relevant disapplication of legislative provisions in the order.
- 6.1.8 The documents referred to above demonstrate that interference with human rights would be proportionate and justified. The need for and benefits of the Scheme are set out within the **Statement of Reasons (4.1, Rev 5)** and in other submission documents including the **Case for the Scheme (7.1, Rev 1)**. Together, they demonstrate that there is a compelling case in the public interest for the Scheme to be delivered.

7 **National Policy Statement for National Networks (NPS NN) and other relevant planning policy**

7.1 **Conformity with the NPS NN**

7.1.1 The **Case for the Scheme (7.1, Rev 1)** and **National Networks National Policy Statement Accordance Table (7.2, Rev 2)** contains an assessment of the proposed scheme's conformity with the *NPS NN*, as detailed on a paragraph-by-paragraph basis within the *NPS NN* accordance table. The conclusions drawn from this assessment are that the Scheme is in conformity with all relevant policies of the *NPS NN*.

7.2 **Development within nationally designated areas**

7.2.1 The Applicant has provided responses to written questions with respect to the applicability of, and conformity against, the relevant policies contained within paragraphs 5.143 – 5.161 of the *NPS NN* that relate to 'Landscape and visual impacts.' This is in addition to **Section 7** of the **Case for the Scheme (7.1, Rev 1)** which specifically considers the relevant paragraphs of the *NPS NN*.

7.2.2 The Scheme has responded to the special qualities of the South Downs National Park in its design as outlined in **Table 5.1** of the **Design and Access Statement (7.9, APP-162)**. When considering the Scheme as a whole, it has had regard to the purpose in section 5(1) of the National Parks and Access to Countryside Act 1949 to conserve and enhance the natural beauty, wildlife, and cultural heritage. The Applicant has therefore complied with paragraph 5.147 of the *NPS NN*.

7.2.3 The Applicant's position remains that the Scheme does not constitute the building of 'new roads' or 'significant road widening' as referred to in paragraphs 5.148 and 5.152 of the *NPS NN* for the reasons outlined in response to **ExAQ2 14.2.11(I)** and **ExAQ2 14.2.12** in **Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**.

7.2.4 Paragraph 5.150 of the *NPS NN* states that great weight should be given to considering landscape and scenic beauty in nationally designated areas. Great weight has been given to landscape and scenic beauty and that Applicant has demonstrated out how the Scheme conserves and enhances the National Park in response to **ExAQ2 14.2.16** in the **Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**. The special qualities of the South Downs National Park are informed by a broad range of environmental, social, and historical aspects and draw directly from the unique characteristics of the physical landscape. The Scheme, once constructed, will conserve and enhance these special qualities; balancing a number of different priorities to ensure opportunities for enhancement are maximised where appropriate, and that mitigation is proposed where necessary, in order to conserve the special qualities. The response to **ExAQ2 14.2.16** in **Applicant Response to the Examining**

Authority's Second Written Questions (ExQ2) (8.17, REP5-026) sets out how the Scheme both conserves and enhances the National Park in recognition of the great weight attached to conserving the landscape and scenic beauty.

- 7.2.5 Paragraph 5.151 of the *NPS NN* states that development consents in nationally designated areas should be refused except in exceptional circumstances where it can be demonstrated it is in the public interest. As outlined in the **Applicant Comments on Deadline 3 Submissions (8.16, REP4-037)** following the response from South Downs National Park Authority in relation to ExQ1 12.1.24 the need to carry out the development in this specific location is what enables the Scheme to meet the exceptional circumstances required. The policy does not require all elements of the Scheme to be exceptional in isolation, nor as a whole, though it must be in the public interest and only in exceptional circumstances can consent be given.
- 7.2.6 Paragraph 5.151 of the *NPS NN* then sets out three aspects of the Scheme that the Secretary of State should consider for applications in nationally designated areas. These are the need for the development (bullet one); the cost and scope of developing outside the National Park or meeting the need in some other way (bullet two); and the extent to which any detrimental effect on the environment could be moderated (bullet three).
- 7.2.7 There is a strong need case for an intervention to address the significant existing congestion and road safety issues on the M3. While it is recognised that great weight is attached to conserving the South Downs National Park, it is also considered that addressing the existing road safety issues and removing an impediment to strategic economic growth is in the public interest. The need for the Scheme at a national, strategic, and local level is well-established as set out in **Section 2** of this document.
- 7.2.8 The M3 and Junction 9 are either within the South Downs National Park itself or within its setting. The issue the Scheme is looking to alleviate is the congestion at Junction 9 itself. Given that these significant pieces of existing infrastructure are already located in the National Park, there is no realistic alternative location in which to carry out the proposed improvement works. The need could not be met in some other way.
- 7.2.9 As stated in response to **ExAQ2 14.2.15** of the **Applicant Response to Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**. The options appraisal focused on assessing reasonable alternatives consistent with the relevant case law and policies (see **Appendix A (Further information regarding alternatives)** of **Applicant summary of oral submission for Issue Specific Hearing 3 (ISH3) (8.15, REP4-036)**). The extent to which there are alternative routes, including new roads, that would avoid the South Downs National Park (or its setting) in its entirety, that are also appropriate for investment, and that would address the issues identified with traffic travelling from Southampton to the Midlands and London M25 via the M3 and A34 (and vice versa), was not considered as a reasonable

alternative to the Scheme. This was therefore not considered to be a factor in the options appraisal. Therefore, for the reasons outlined above, there is no scope for developing elsewhere.

- 7.2.10 A review of the effects expected to result from the Scheme, as reported in the **Environmental Statement (ES) (6.1 – 6.3, APP-042 - APP-153)** and summarised in **Table 16.1 of Chapter 16 (Summary of Effects)** of the **Environmental Statement (ES) (6.1, Rev 1)**, has identified that there are residual adverse significant effects relating to noise and vibration and population and human health during construction of the Scheme. Residual adverse significant effects relating to geology and soils and landscape and visual have been identified during both the construction and operation of the Scheme. However, the operational effect on the landscape and visual receptors reduces to 'not significant' in the long term. However, it can be demonstrated that National Highways has actively sought to avoid or moderate such detrimental effects through the incorporation of appropriate mitigation and through making substantial changes to the Scheme design where reductions in adverse effects could be achieved.
- 7.2.11 It is clear from the above that the Scheme meets the exceptional circumstances and that it is in the public interest. The three further aspects of paragraph 5.151 of the *NPS NN* have also been appropriately considered in the development of the Scheme for the reasons outlined above.
- 7.2.12 The Applicant's position remains that paragraph 5.152 of the *NPS NN* does not apply. However, in the event that the Secretary of State considers to the contrary then the Applicant's position is such that there are compelling reasons to conclude that the enhanced capacity and the benefits outweigh the costs very significantly. **Paragraph 7.4.1 – 7.4.3 of the Case for the Scheme (7.1, Rev 1)** set out the costs of not developing the Scheme on the performance of Junction 9 in terms of predicted delays and an increase in journey times. **Paragraph 7.4.4 -7.4.7 of the Case for the Scheme (7.1, Rev 1)** sets out the environmental 'costs' associated with the Scheme. The Applicant has also further clarified its position in response to **ExQ2 14.2.11(ii) in Applicant Response to Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**. This includes setting out the costs of not developing the Scheme. As traffic is predicted to increase over time through M3 Junction 9 the existing issues are likely to become worse in the future, including the number of collisions and safety issues, as well as potential further rat running traffic through Winchester.
- 7.2.13 The benefits have been set out in **Section 2** of this document and are significant. These benefits include but are not limited to improvements to journey times, direct and indirect economic benefits, improvements to highway safety, and improvements to pedestrian and cycle access to and from the South Downs National Park. When balanced against the limited disbenefits of the Scheme (including the costs of not developing the Scheme), it is considered that there are compelling reasons for the enhanced capacity and that these benefits outweigh the disbenefits (or costs) very significantly.

- 7.2.14 Paragraph 5.153 of the *NPS NN* states where consent is given that the SoS should be satisfied an 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. **Section 7.5 of the Case for the Scheme (7.1, Rev 1)** and the Applicant's response to **ExAQ2 14.2.14(i) in Applicant Response to Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)** set out how high environmental standards would be achieved. In addition to the measures secured within the **Register of Environmental Actions and Commitments (REAC)** of the **first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7)** a **Design Principles Report (8.18, Rev 1)** is to be secured as part of the **draft Development Consent Order (3.1, Rev 6)** which includes measures to ensure high quality design and an appropriate response to the local context.
- 7.2.15 The Applicant recognises that the location of part of the Scheme within an area designated as National Park, a SAC and SSSI means that the existing environment is of high quality, value and sensitivity.
- 7.2.16 As outlined from **Paragraphs 7.5.11** onwards of the **Case for the Scheme (7.1, Rev 1)** there are a number of measures included within the Scheme to enhance other aspects of the environment. The measures are outlined again in response to **ExAQ2 14.2.14(ii)** of the **Applicant Response to Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)** and include ecological enhancements through habitat creation and wildlife fencing, including the creation of priority chalk grassland habitat within the South Downs National Park; betterment of the existing road drainage system; increased accessibility via the new walking, cycling and horse-riding routes; and other enhancements to landscape character through planting and the landscape strategy.
- 7.2.17 In conclusion, the Applicant considers that there are exceptional circumstances for the grant of consent for the Scheme within the South Downs National Park. There is a well-established need for the Scheme and that the scope for developing elsewhere or meeting the need in some other way is not achievable. The effects of the Scheme on the environment, landscape and recreational opportunities have been considered appropriately when balancing the factors together, and the Scheme would achieve high environmental standards and include measures to enhance the environment. Should the Secretary of State consider the Scheme to constitute 'significant road widening' or the 'building of new roads' the Applicant maintains there are compelling reasons for the enhanced capacity and the benefits outweigh the disbenefits (or costs) very significantly.

7.3 Other relevant policies

- 7.3.1 **Appendix A (Local Policy Assessment)** of the **Case for the Scheme (7.1, Rev 1)** provides a review of the Scheme against local planning policy including the *Hampshire County Council Local Transport Plan (2011)*, *Winchester*

District Local Plan Part 1 – Joint Core Strategy (2013), and the South Downs National Park Local Plan (2019).

- 7.3.2 In **Hampshire County Council's written summary of oral representations (REP4-045)**, in relation to Issue Specific Hearing 3, it is confirmed by the Council that the Scheme is consistent with the *Local Transport Plan* adopted in 2011, and the emerging *Draft Local Transport Plan* published in 2022. Both Winchester City Council and Hampshire County Council consider the Scheme to be in accordance with the jointly prepared Winchester Movement Strategy as previously outlined in this document.
- 7.3.3 In response to **ExQ3 14.3.1** within **Winchester City Council Responses to Examining Authority Third Written Questions (ExQ3) (REP6-036)** have confirmed that the outstanding matters identified in their Local Impact Report have been resolved following receipt of further information and updates to the Requirements within the Development Consent Order. The sole topic area for which the Council consider contrary to the Local Plan is in relation to Climate matters. The Climate Neutrality Action Plan (2019) was discussed during Issue Specific Hearing 3 and the Applicant maintains this document is of limited weight in the assessment of the Scheme with respect to climate matters as it specifically omits motorway emissions that require a national response and focuses on local measures for reducing emissions.
- 7.3.4 In **Section 4** of the **Applicant Comments on Local Impact Reports (8.9, REP3-023)** further information with respect to the relevant South Downs Local Plan policies is provided, in addition to the assessment in **Appendix A** of the **Case for the Scheme (7.1, Rev 1)**. The **Statement of Common Ground with the South Downs National Park Authority (7.12.2, Rev 1)** outlines the respective positions on the matters that have been under discussion both prior to and during the Examination.
- 7.3.5 It is noted that the **South Downs National Park Authority Local Impact Report (REP2-071)** considers the following topics to be of limited or neutral impact: Dark Night Skies; Biodiversity; Cultural Heritage including Archaeology; Water Environment including Drainage and Flood Risk; Highways including Public Rights of Way; Air Quality; Residential Amenity; Open Access Land and Public Open Space; Geology and Soils including contaminated land; Material Assets and Waste; Socio-economics.
- 7.3.6 The Applicant notes that Policy SD3 'Major Development' of the South Downs Local Plan (2019) is the primary policy relating to the principle of large developments within the National Park. Part 2 of the policy SD3 mirrors that of paragraph 5.151 of the *NPS NN* and part 3 requires all opportunities to conserve and enhance the special qualities of the National Park should be sought and that development proposals should be sustainable as measured against a number of factors. The Applicant's position is that it meets the tests set out in paragraph 5.151 of the *NPS NN* and by virtue those set in Part 2 of policy SD3. With respect to Part 3 of policy SD3 the Applicant has provided details of how the Scheme would conserve and enhance the National Park in

response to **ExQ2 14.2.16** in the **Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026)**. The Applicant considers the Scheme, when taken as a whole, to be consistent with policy SD3 of the South Downs Local Plan (2019).

8 Conclusion and planning balance

- 8.1.1 This document sets out the Applicant's position on the principal points raised during the course of the Examination. The **Case for the Scheme (7.1, Rev 1)**, the **National Policy Statement for National Networks Accordance Table (7.2, Rev 2)**, and this Closing Statement demonstrates a clear need for the Scheme which is grounded in national, sub-regional and local planning and transport policy.
- 8.1.2 The *NPS NN, National Infrastructure Development Plan* and the *Road Investment Strategy* set out a strong case for delivery of national networks that meet the country's long-term network needs, by reducing delays, improving journey time reliability, improving safety and supporting economic growth.
- 8.1.3 The Planning Act 2008 requires that the Development Consent Order is determined in accordance with the relevant National Policy Statement. In this case the *NPS NN* is the primary basis for decision making. The Applicant has also carefully considered the legal obligations set out in the *NPS NN*, including the Habitats Regulations and Water Framework Directive. The international obligations of the United Kingdom have also been addressed.
- 8.1.4 The Scheme will deliver extensive benefits including a reduction in congestion and delays; improving journey times; economic benefits; safety improvements; improvements to visual amenity and landscape character over the long-term; wildlife and green infrastructure enhancements; enhanced pollution and run-off control; and enhanced provision for pedestrians, cyclists and horse-riders.
- 8.1.5 The Scheme incorporates a range of design features and environmental mitigation that have been developed to minimise potential negative environmental effects as far as possible. Measures have also been designed into the Scheme which go further than providing mitigation for the effects of the Scheme and would actually enhance the environment beyond the existing baseline.
- 8.1.6 In weighing the issues, the Applicant has given due weight to the status of the protected European Sites, the South Downs National Park, and the other environmental and planning designations, in accordance with the relevant guidance, policies, and statutory provisions.
- 8.1.7 The Applicant considers that the benefits of the Scheme significantly and demonstrably outweigh any harm predicted. Section 104(3) of the Planning Act 2008 states that the Secretary of State must decide the Development Consent Order application in accordance with any relevant NPS, except in certain circumstances specified in subsection (4) to (8) which do not apply here.
- 8.1.8 As required by Section 104(7) of the Planning Act 2008, the benefits of the Scheme must be weighed against any adverse impacts identified in the **Chapter's 1-18 of the Environmental Statement (ES) (6.1, APP-042 - APP-**

059). The Applicant's position remains that any unavoidable residual adverse environmental effects which remain following mitigation are outweighed by the public benefit that will accrue as a result of the Scheme and the Government's commitment to upgrading the Strategic Road Network (SRN).

8.1.9 The Scheme complies with the *NPS NN* and has had regard to all other important and relevant matters which need to be taken into consideration, including the relevant adopted local development plans and the NPPF.