

M3 Junction 9 Improvement

Scheme Number: TR010055

8.28 Applicant Comments on Deadline 6 and 7 Submissions

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Planning Act 2008

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

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8.28 Applicant Comments on Deadline 6 and 7 Submissions

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1 Introduction

1.1 Introduction

1.1.1 The Applicant has responded where necessary and relevant, to the following items submitted at Deadline 6:

- Climate Emergency Policy and Planning (CEPP) - Comments on any additional information received at Deadline 5 (**REP6-028**)
- Cycle Winchester - Comments on responses to ExQ2 (**REP6-030**)
- South Downs National Park Authority - Responses to ExQ3 (**REP6-034**)
- Winchester Action on the Climate Crisis - Responses to ExQ3 (**REP6-035**)
- Winchester City Council - Responses to ExQ3 (**REP6-036**)

1.1.2 The Applicant has also responded where relevant and necessary to the following items submitted at Deadline 7:

- Winchester Friends of the Earth - Additional Submission accepted at the discretion of the Examining Authority at Deadline 7 (**AS-014**)
- South Downs National Park Authority – Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules (**REP7-006**)

1.1.3 The Applicant has responded to the following Deadline 6 submissions in the Deadline 8 Cover Letter.

- Natural England Deadline 6 Submission - Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules (**REP6-032**)
- Natural England Deadline 6 Submission - Responses to ExQ3 (**REP6-033**)

1.1.4 The Applicant has chosen not to respond to the following submissions:

- Hampshire County Council - Responses to ExQ3 (**REP6-031**)
- Winchester Friends of the Earth - Winchester Friends of the Earth - Comments on responses to ExQ2 (**REP6-037**)
- Deadline 6 Submission - from Cllr Susan Cook and Dr Hannah Greenberg (**REP6-029**)

2 Applicant's comments on information received at Deadline 6

2.1 Climate Emergency Policy and Planning (CEPP) - Comments on any additional information received at Deadline 5 (REP6-028)

Climate Emergency Policy and Planning	Applicant Response
2. Update on R (Boswell) v Secretary of State for	<p>The Applicant notes that this section relates to the upcoming Court of Appeal case <i>R (Boswell) v Secretary of State for Transport [2023] EWHC 1710</i>. This is a live case and the Applicant - or others in the Examination - are not party to the arguments being presented.</p> <p>The Applicant maintains its position that the Scheme is consistent with the current case law as stated in response to ExQ2 6.2.15, 6.2.17, 6.2.19, ExQ3 6.3.12 and ExQ3 6.3.13 in the Applicant Response to Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026) and Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023) respectively.</p>
3. Update Following New Data from CCC	<p>The Applicant has responded to criticism of the application of the IEMA guidance and delivery risk of the Carbon Budgets in ExQ3 6.3.15 Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023). The Applicant is not required to follow IEMA guidance given that the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (National Highways, 2021) is the appropriate standard for motorway and trunk road schemes.</p>
4. Government Response to CCC Progress Report	<p>The Applicant has no comments on this section.</p>
5. draft revised NPSNN	<p>Paragraph 1.16 – 1.17 of the <i>draft National Policy Statement for National Networks (NPS NN)</i> addresses the transitional provisions relating to the draft and states:</p> <p><i>'The Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments, the 2015 NPS should have effect in accordance with the terms of that NPS. The 2023 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.'</i></p> <p><i>However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order.'</i></p> <p>The Transport Committee's review of the draft NPS NN concluded with their report published on 20 October 2023. It is for the government to consider the recommendations of this report and whether any subsequent changes are made to the draft NPS NN prior to it being adopted.</p> <p>At this stage, the adopted NPS NN (2014) remains the basis for decision making in the NSIP process as a designated NPS under section 104 of the Planning Act 2008.</p>
6.1. Q6.2.3: Carbon Plan(s): response to applicant's response	<p>The Applicant has no comments on this section.</p>

Climate Emergency Policy and Planning	Applicant Response						
<p>6.2. Q6.2.7: Climate Change: response to applicant's response</p>	<p>The <i>Net Zero Highways Plan</i> (National Highways, 2021) sets out how National Highways is taking account of emissions for road schemes for which it is responsible, including M3 Junction 9, and sets out its plan to implement its stated net zero strategy. The plan acknowledges that National Highways can influence the reduction of road user emissions but that these actions fall outside the scope of an individual road scheme. The mitigation that the M3 Junction 9 Scheme will deliver, in line with this plan, is set out in Section 14.9 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2).</p> <p>This comment incorrectly states that no mitigation has been proposed for operational emissions. The Applicants response to ExQ2 6.2.22 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026) referred to Section 14.9 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) which sets out the embedded and essential mitigation measures for the operational stage.</p> <p>The Applicant has responded on contextualisation and IEMA guidance in ExQ3 6.3.6 and 6.3.15 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023).</p> <p>The Applicant comments further on the CCC 2023 Report (with reference to the recommendation of a review of road-building projects) in their response to ExQ3 6.3.4 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023).</p>						
<p>6.3. Q6.2.11: Assessment: response to applicant's response</p>	<p>To clarify, it is not possible to provide a 'Do-Something' (referred to as 'With Scheme Scenario' in this response) for 2015 as this would be based on historic data when the Scheme was not operational.</p> <p>Notwithstanding this and for completeness of reporting pursuant to Design Manual for Roads and Bridges (DRMB) LA 114 Climate (National Highways, 2021), the Applicant has sought to provide the 2015 baseline carbon emissions data at Deadline 8, however the Emissions Factor Toolkit (EFT) no longer includes 2015 as an input year. In lieu of this, the 2015 baseline carbon emissions have been calculated using 2015 traffic flows (from the Scheme's transport model) and the 2018 EFT emissions data (the earliest year available within the EFT). The full National Atmospheric Emissions Inventory (NAEI) fleet projections data set, which the EFT is based on, shows that 2015 and 2018 are very similar (with only a 0.1% increase in electric vehicle composition) and so it will not result in a significantly different GHG total.</p> <p>2015 baseline carbon emissions are provided in the below table, alongside baseline emissions for 2027 and 2042 which remain as presented in Section 14.7 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2).</p> <table border="1" data-bbox="1537 1724 2778 1822"> <thead> <tr> <th>2015 (2018 factors)</th> <th>2027</th> <th>2042</th> </tr> </thead> <tbody> <tr> <td>4,098,904 tCO₂e</td> <td>4,157,875 tCO₂e</td> <td>3,549,335 tCO₂e</td> </tr> </tbody> </table>	2015 (2018 factors)	2027	2042	4,098,904 tCO ₂ e	4,157,875 tCO ₂ e	3,549,335 tCO ₂ e
2015 (2018 factors)	2027	2042					
4,098,904 tCO ₂ e	4,157,875 tCO ₂ e	3,549,335 tCO ₂ e					

Climate Emergency Policy and Planning	Applicant Response
	<p>The baseline figures for 2015 are not required for the impact assessment and therefore the conclusions remain as set out in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2).</p> <p>While it is acknowledged that both Lower Thames Crossing and A66 provided a base year scenario, these figures are not given further consideration within the conclusions of both assessments.</p> <p>The 'trend' in baseline emissions for the M3 Junction 9 Scheme is identifiable through the provision of the 'Do-Minimum' scenarios for 2027 and 2042 and Section 14.7 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) sets out baseline emission information that provides context relevant to the assessment.</p>
6.4. Q6.2.17: Carbon Budget: response to applicant's response	<p>Please see response to ExQ3 6.3.18 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023).</p> <p>The Applicant responded to comments on the cumulative assessment in RR-018d within the Applicant Responses to Relevant Representations (8.2, REP1-031) and again in Section 3.3 in Applicant Comments on Deadline 3 Submissions (8.16, REP4-037).</p>
6.8. Q6.2.22: Mitigation: response to applicant's response	<p>This comment incorrectly states that no mitigation has been proposed for operational emissions. Section 14.9 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) sets out the embedded and essential mitigation measures for the operational stage.</p>
7. ExQ3 7.1 Q 6.3.8: Climate Change: CEPP statement	<p>The Applicant notes the comments on delaying the ban on petrol vehicles and has responded to this at Deadline 5 in ExQ2 16.2.4 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026).</p>

2.2 Cycle Winchester - Comments on responses to ExQ2 (REP6-030)

Cycle Winchester	Applicant Response
<p><i>Cycle Winchester - Comments on responses to ExQ2</i></p>	<p>The legal status of the Easton Lane connection and NCN Route 23 is agreed with Hampshire County Council, the proposed maintaining authority for this public right of way. Please see Statement of Common Ground with Hampshire County Council (7.12.3, Rev 1). The Scheme maintains the existing status.</p> <p>Proposed diversions for existing rights of way during construction are shown on Figure 2.6 (Temporary Diversion Routes of Walking, Cycling, and Horse-Riding Routes) of Chapter 2 (The Scheme and its Surroundings – Figures (Part 3 of 4)) of the ES (6.2, APP-063).</p> <p>At Deadline 7, the Applicant updated Appendix C (Single Public Rights of Way and Access Plan - ExA WQ2 16.2.25) of the Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17.1, Rev 1) with respect to the references to the proposed</p>

Cycle Winchester	Applicant Response
	<p>maintaining authority within the proposed rights of way schedule included on the plan to correct an error. Where the cycle track passes through subways under the gyratory, National Highways will maintain the structure and lighting, and Hampshire County Council will maintain the cycle track or bridleway. This is the case for Work no. 24(a), 24(d) and 33(a). For Work no. 24(c) and 33, the proposed maintaining authority is Hampshire County Council. Across the gyratory bridge structure, the cycle track will be maintained by the Applicant. This update has been shared with Cycle Winchester.</p>
<p><i>Additional comments</i></p>	<p>The Applicant notes Cycle Winchester's comments on the PRow Management Plan. As outlined in the Outline Traffic Management Plan (7.8, Rev 2), updated at Deadline 5, National Highways commit to producing a PRow Management Plan during detailed design. National Highways will have regard to Cycle Winchester's views during the development of the PRow Management Plan. This will include controls to manage the crossing of the haulage route and NCN Route 23 and on Long Walk.</p>

2.3 South Downs National Park Authority - Responses to ExQ3 (REP6-034)

South Downs National Park Authority	Applicant Response
<p>Q1.3.2 - Landscape</p>	<p>The Applicant confirms that the inclusion of additional commitments is in response to requests made by the South Downs National Park Authority. It was not possible to identify these on the Environmental Masterplan as this work is subject to a number of constraints which require further consideration at detailed design. These commitments will be further explored at detailed Design at which stage the South Down National Park Authority will be consulted and be able to provide commentary on the appropriateness of these.</p> <p>The Green Travel Plan is secured as part of commitment C15 in the REAC of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7) and the detailed version is to be secured subsequently as part of the second iteration Environmental Management Plan (siEMP) as Appendix R. Approval of the siEMP is by the Secretary of State following consultation with the relevant planning authorities which will include South Downs National Park Authority. The detailed version of the Green Travel Plan will include targets to reduce the use of private cars and other measures to promote sustainable travel. These can only be provided once all measures and provisions relating to the management of the construction workforce and construction compound are decided at detailed design stage.</p>
<p>Q1.3.3 – Design Principles Report</p>	<p>Landscaping considerations and the need to minimise impacts on the South Downs National Park are one of the purposes of the Design Principles Report (8.18, Rev 1) but it is also to ensure that high environmental standards are achieved across the different elements of the Scheme.</p> <p>The purpose of the report is to set out the principles that are to be incorporated into the detailed design of the Scheme, that will be considered under Requirement 12 of the draft Development</p>

South Downs National Park Authority	Applicant Response
	<p>Consent Order (DCO) (3.1, Rev 6) for which South Downs National Park Authority, amongst others, is a consultee.</p> <p>As acknowledged by the Applicant at Issue Specific Hearing 1, the Applicant has taken the principles which are embedded into written and drawn materials which are included in various Application documents and define the Scheme design. The Design Principles Report (8.18, Rev 1) was specifically created to place these into a single secured document which will ensure that detailed design elements have a clear design language, taking into consideration the local context and characteristics of each area within the Application Boundary.</p> <p>The Applicant does not consider that the document should be re-written in the way suggested by the South Downs National Park Authority but it has taken on board the limited specific comments received in relation to the principles set out, and a series of updates have been included in an updated version of the Design Principles Report (8.18, Rev 1) submitted at Deadline 8.</p>
Q12.3.6 – Construction Compound and Living Hoardings	The Applicant responded to the suggestion of living hoardings in ExQ3 4.3.5 in Applicant Response to the Examining Authority’s Third Written Questions (ExQ3) (8.22, REP6-023) .
Q12.3.10 – extended maintenance	<p>The Applicant has consulted with the Butterfly Conservation during the development of design proposals, and this helped inform the design strategy from an early stage with the approach to use site gained chalk materials as the basis for chalk grassland creation. The Scheme includes only a small amount of land subject to arable reversion as referenced by the South Downs National Park Authority. The majority of areas where chalk grassland is proposed are subject to earthwork operations where fertile soils will be removed, either exposing chalk substrate or resulting in the placement of chalk material as fill, which will mitigate the risks identified.</p> <p>At Deadline 6, the Applicant has committed to additional monitoring during the 5 year establishment period within LV22 in Table 3.2 (REAC) of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7), to ensure any additional management requirements are identified within a reasonable timeframe and support optimum establishment. During this time the Applicant considers it possible to successfully establish a species rich grassland, but the Applicant also acknowledges when considering chalk grassland that the structural diversity will continue to evolve to provide the target condition in the longer term. The Applicant would highlight that the Weymouth Relief Road is a successful example of where a scheme achieved a greater structural diversity in a shorter time frame.</p> <p>With regard to the establishment period being defined as 5 years, the Applicant reconfirms that management and monitoring of the landscape mitigation including chalk grassland does not cease at the end of this period. LV23 in Table 3.2 (REAC) of the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 7), commits to the development of a further iteration of the Landscape and Ecology Management Plan at the end of this period, which will contain specific prescriptions for longer-term maintenance, management and monitoring responsibilities of landscape and environmental commitments and mitigation. This will be appended to the third iteration of the Environmental Management Plan and requirements within it will be delivered by National Highways or their appointed agent in the longer term.</p>

2.4 Winchester Action on the Climate Crisis - Responses to ExQ3 (REP6-035)

Winchester Action on the Climate Crisis	Applicant Response
2 - Introduction	The Applicant has no comments on this section.
3 – The applicant’s lack of concordance with national transport policies	The Applicant has no further comments on the transport matters raised in this section. The Scheme is consistent with the NPS NN, NIDP, and is included within the RIS. It is consistent with national transport policies as outlined in Section 6.2 of the Case for the Scheme (7.1, Rev 1) .
4 – Air Quality Q3.2.2	<p>The Applicant has provided clarification of the regulatory framework relating to PM2.5 as defined by the <i>Environmental Targets (Fine Particulate Matter) (England) Regulations 2023</i> and the relevance of these regulations to the Scheme in Section 2.10 of Applicant Comments on Deadline 4 Submissions (8.20, REP5-030).</p> <p>The request for PM2.5 maps as per the PEIR has also been responded to in Section 2.10 of Applicant Comments on Deadline 4 Submissions (8.20, REP5-030), and the Applicant has explained the lack of relevance of 1km x 1km resolution background maps as opposed to Scheme specific detailed atmospheric dispersion modelling. The results of which and the Plan of receptor locations is provided in Chapter 5 (Air Quality – Figures) of the ES (6.2, Rev 1).</p> <p>Within Table 1.4 of Appendix 5.2 (Human Receptors Backgrounds and Operational Phase Results) of the ES (6.3 APP-086) the Applicant has presented 2015 and 2027 PM2.5 concentrations without the Scheme. The predicted PM2.5 concentrations are not above current thresholds and comparison to the 2040 annual mean concentration target (AMCT) is not appropriate for the reasons previously explained.</p>
<p>5 – Modal Alternatives Q4.2.14; assessment undertaken?</p> <p>6 – Modal Alternatives Q4.2.15; inchoate?</p> <p>7 – Modal Alternatives Q4.2.16; National Highways Solent to the Midlands Route Strategy (2023)</p> <p>8 – Modal Alternatives Q4.2.17; was a meaningful rail freight option appraisal carried out at stage 0?</p>	<p>The Applicant’s position on modal alternatives remains as stated in Appendix A (Further information regarding alternatives) of Applicant Written Summary of Oral Case for ISH3 (8.15, REP4-036) and in response to ExQ3 4.3.1 and 4.3.2 in Applicant Response to the Examining Authority’s Third Written Questions (ExQ3) (8.22, REP6-023).</p> <p>The Scheme is not in conflict with the Solent to Midlands Route Strategies (2015, 2017, and 2023). Please refer to the Applicant’s response to ExQ3 4.3.2 in Applicant Response to the Examining Authority’s Third Written Questions (ExQ3) (8.22, REP6-023) and the post hearing note in relation to Item 2(i) – sixth bullet in Applicant Written Summaries of Oral Case for ISH 3 (8.15, REP4-036).</p>
9 – Construction impact Q6.2.6; minimal reuse of infrastructure	The Applicant explained it’s position with respect to the re-use of existing infrastructure in ExQ2 6.2.6 in Applicant Response to the Examining Authority’s Second Written Questions (ExQ2) (8.17, REP5-026) .
10 – Climate Change Q6.2.7; major adverse impact	<p>The Applicant has responded to points raised on health and the methodology of the climate assessment in Section 2.10 of Applicant Comments on Deadline 4 Submissions (8.20, REP5-030).</p> <p>Section 10 of this submission incorrectly interprets and compares the greenhouse gas (GHG) emissions set out within Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev</p>

Winchester Action on the Climate Crisis	Applicant Response
	<p>2) to figures from the Net Zero Decarbonisation Plan that are not clearly sourced, alongside what appears to be Winchester Action on the Climate Crisis' own trajectory to net zero beyond 2037. The Applicant has explained in previous responses, including in Section 9 (of Section 3.3 - Contextualisation of M3J9 with CBDP Surface Transport and Industrial Residual Emissions) in the Applicant Comments on Deadline 3 Submissions (8.16, REP4-037), that the appropriate methodology set out within the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021) and Section 5.18 of the <i>National Policy Statement for National Networks</i> requires the assessment to be based on the Scheme's net emissions (Do-Something minus the Do-Minimum scenarios). The Applicant therefore disagrees with the contextualisation provided by WinACC and the conclusions drawn from this incorrect exercise.</p> <p>The Applicant has provided contextualisation of the Scheme's emissions against the Carbon Budget Delivery Plan in Appendix A (Carbon Budget Delivery Plan) to the Applicant Comments on Deadline 3 Submissions (8.16, REP4-037).</p>
11 – Q6.2.11 Assessment; traffic flows in the base year	Please see the Applicant's response to Q6.2.11 in Section 2.1 of this document above (in respect of the submission by CEPP (REP6-028)), and the response in ExQ2 6.2.11 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026) .
12 – Q6.2.14 The Assessment; Lack of Supporting Information	<p>The Applicant has provided further clarity in relation to the assessment of greenhouse gas emissions in responses to a number of written questions including ExQ2 6.2.14 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026) and REP2-082f in Applicant Comments on Written Representations (8.8, REP3-022)</p> <p>The Applicant has no further response to the points made in this section.</p>
13 – Q6.2.15 Assessment; Net Zero Growth Plan	Please see the Applicant's response to section 10 above.
14 – Q6.2.16 Assessment: Modelling	Please see the Applicant's response to section 12 above.
15 – Q16.2.3 Rail Freight Shift (REP5-023)	The Applicant has no further comments over and above those made in ExQ2 14.2.11 and 16.2.3 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026) with respect to rail freight shift.
16 – Q16.2.1 Journey Time Savings Table 1.1	The Applicant has no further comments over and above those made in Section 1.2 in Applicant Response to the Examining Authority's Second Written Questions (ExQ2) Appendices (Appendix B Traffic and transport additional information in response to ExA WQ2) (8.17.1, REP7-003) with respect to journey time savings.

2.5 Winchester City Council - Responses to ExQ3 (REP6-036)

Winchester City Council	Applicant Response
Q1.3.3 - Design Principles	The purpose of the Design Principles Report is to set out the principles that are to be incorporated into the detailed design of the Scheme that will be considered under Requirement 12 of the draft Development Consent Order (DCO) (3.1, Rev 6) . It is not appropriate therefore to provide a further iteration of the design principles with more granular detail. This would change

Winchester City Council	Applicant Response
	<p>the nature and purpose of the document as a guide or set of principles against which the detailed design is considered.</p> <p>Please also see the Applicant's response above to South Downs National Park Authority's response to ExQ3 1.3.3 with respect to the Design Principles Report.</p>
<p>Q6.3.1 - Carbon Mitigation</p>	<p>The Applicant provided a list summarising all climate mitigation measures and the associated securing mechanism in ExQ3 6.3.1 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023). The list will not form a separate document secured as part of the draft Development Consent Order (DCO) (3.1, Rev 6) given that this information has already been included within the application documents and will be appropriately secured under Requirement 3 of the draft Development Consent Order (DCO) (3.1, Rev 6).</p> <p>The Applicant has responded on why additional mitigation measures are not required in ExQ2 6.2.22 in Applicant Response to Examining Authority's Second Written Questions (ExQ2) (8.17, REP5-026).</p> <p>The mitigation measures set out in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) and as summarised in ExQ3 6.3.1 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023), confirm that the carbon mitigation hierarchy has been applied to the Scheme and fulfils the requirement of the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (National Highways, 2021) and <i>National Policy Statement on National Networks (NPS NN)</i>.</p> <p>On this basis, the Applicant is not required to provide a Climate Mitigation and Monitoring Plan as set out in WCCs comment.</p>
<p>Q6.3.3 IEMA Assessment, PAS 2080 and Mitigation</p>	<p>The Applicant has responded to comments on the application of the IEMA guidance in ExQ3 6.3.15 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023). The Applicant is not required to follow IEMA guidance given that the Design Manual for Roads and Bridges (DMRB) LA 114 (National Highways, 2021) is the appropriate standard for motorway and trunk road schemes.</p> <p>The Applicant notes that WCC have provided a comparison of the Scheme's emissions to Winchester's 2021 motorway emissions that are published by the Department of Energy Security and Net Zero (DESNZ). As noted within previous responses, the most recent being in Appendix A (The Tyndall Centre Carbon Budget in the context of the Scheme) of the Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023), the study area for the GHG assessment in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) covered South East England and emissions are therefore not limited to a single local authority boundary.</p> <p>With regard to PAS 2080, National Highways is a PAS 2080 accredited company and the Scheme has been designed to this standard. PAS 2080 specifies requirements for the <i>management</i> of whole-life carbon in buildings and infrastructure. PAS 2080 refers to projects prioritising carbon reduction measures within a net zero system, not that an individual project</p>

Winchester City Council	Applicant Response
	<p>must be net zero itself. While National Highways has limited influence over the operational end-user emissions for the Scheme, mitigation measures (i.e. carbon reduction measures) that are achievable within the delivery of the M3 Junction 9 Scheme are outlined in Section 14.9 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2). Commitments made by National Highways that are mentioned in WCC's comments, such as investment in HGV charging, are not within the scope of this Scheme and National Highways will seek to deliver them through separate means. This forms part of the PAS 2080 process to decarbonise on a system level, not just for an isolated scheme. Therefore, these measures do not form part of the DCO application, nor are they required to.</p>
Q6.3.5 Carbon Mitigation	<p>The Applicant has responded on why offsetting and other additional mitigation measures are not required in response to RR-102b in Applicant Responses to Relevant Representations (8.2, REP1-031) and in ExQ2 6.2.22 in Applicant Response to Examining Authority's Second Written Questions (8.17, REP5-026).</p>
Q6.3.9 and 6.3.10 Carbon	<p>The Applicant has commented on <i>Winchester City Council's Carbon Neutrality Action Plan (CNAP)</i> in ExQ3 6.3.9 in Applicant Response to Examining Authority's Third Written Questions (ExQ3) (8.22, REP6-023).</p> <p>The methodology and study area used to calculate operational end-user emissions is set out in Section 14.5 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2). The study area is consistent with the Scheme's transport model, as required by the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (National Highways, 2021). The extent of the study area is shown in Figure 14.1 (Transport Model Study Area) of Chapter 14 (Climate: Figures) of the ES (6.2, Rev 1).</p> <p>As noted in previous responses, the most recent being ExQ2 6.2.22 in Applicant Response to Examining Authority's Second Written Questions (8.17, REP5-026), a carbon offsetting fund is not required.</p>
Q6.3.11	<p>As noted in response to Q6.3.5 above, mitigation measures for the operation stage of the Scheme are outlined in Section 14.9 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2). The mitigation proposed for the M3 Junction 9 Scheme is consistent with mitigation proposed across other National Highways road schemes, including those used within the benchmarking exercise.</p> <p>The Applicant has responded on why additional mitigation measures are not required in ExAQ2 6.2.22 of the Applicant Response to Examining Authority's Second Written Questions (8.17, REP5-026).</p>
Q12.3.1 [Design Principles]	<p>Please see the responses to Q1.3.3 above.</p>
Q14.3.1	<p>The Applicant has no comments on this section.</p>

3 Applicant's comments on information received at Deadline 7

3.1 Winchester Friends of the Earth - Additional Submission accepted at the discretion of the Examining Authority at Deadline (Questions re surface water and river pollution) (AS-014)

Winchester Friends of the Earth	Applicant Response
<p>Question 1: Has a field study been made of the outfalls identified above and, if so, what were the results?</p>	<p>The location of the outfall identified in the submission is asset reference number SU5032_0927d and SU5032_0927a as shown in the table referred to and is near to the M3 where it crosses the River Itchen. This outfall is outside the Application Boundary. This is an existing drainage outfall and no changes are proposed to the surface water drainage in this location.</p> <p>Performance of existing drainage systems, mitigation, and or testing results relating to the existing motorway are controlled by existing pollution control regulations for which the Environment Agency has necessary powers to investigate should it be necessary to do so.</p>
<p>Question 2: How many outfalls are there in the application area and into what water elements do they ultimately drain (e.g. Itchen, Nuns Walk Stream)?</p>	<p>The following outfalls are associated with the Scheme:</p> <ul style="list-style-type: none"> ■ There are 3 outfalls into the River Itchen, 1 is existing to be reused, 1 is an existing to be improved, 1 is a new outfall ■ There are 5 infiltration basins proposed to facilitate discharge to ground, these are Basins 2, 3b, 3c, 5 & 6 ■ There are 8 existing soakaway features to be reused as part of the Scheme, 4 are located along Easton Lane off Junction 9 to the west, the other 4 are located along the M3 N/B & S/B and the A272 <p>There are further outfalls into the River Itchen and soakaway features associated with the sections of A33 & A34 to the north of Kingsworthy Bridge which are to remain.</p>
<p>Question 3: How much soil from the ditches in the area has been designated as hazardous waste?</p>	<p>As construction has not yet commenced, waste classification for disposal has not yet been undertaken. Requirement 8 of the draft Development Consent Order (3.1, Rev 6) includes appropriate controls in relation to land contamination.</p>
<p>Question 4: What results exist from testing the land, soil & water in and around the soakaways and outfalls?</p>	<p>Existing results with respect to testing of land, soil and water relating to this Scheme are contained within the Ground Investigation Report (7.11, APP-164) and Appendix 13.2 (Hydrogeological Risk Assessment) of the ES (6.3, Rev 1).</p> <p>Requirement 13 of the draft Development Consent Order (DCO) (3.1, Rev 6) relates to surface water drainage and requires consultation with the Lead Local Flood Authority (LLFA). Requirement 8 of the draft Development Consent Order (DCO) (3.1, Rev 6) relates to land contamination. Any further testing required for discharge of Requirements will be shared with the relevant authorities at the appropriate time.</p>

3.2 South Downs National Park Authority - Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules (Further comments for Deadline 7) (REP7-006)

South Downs National Park Authority	Applicant Response
<i>Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</i>	The Applicant has responded to the comments from South Downs National Park where it considers appropriate and necessary to do so within the Applicant's Closing Statement (Document Reference 8.29) .