



## Meeting note

<b>Project name</b>	M3 Junction 9 Improvement
<b>File reference</b>	TR010055
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	08 December 2021
<b>Meeting with</b>	National Highways
<b>Venue</b>	Microsoft Teams
<b>Meeting objectives</b>	Draft documents review
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Applicant, National Highways, acknowledged the feedback from the Inspectorate on their draft documents (see Annex A) and had no specific comments arising from their review of it.

### ***Compulsory Acquisition***

There was a discussion around the acquiring of subsoil interests and the approach to compulsory acquisition. The Applicant is not seeking to acquire powers of compulsory acquisition for the M3 itself, as there are not deemed to be any rights of others that would need to be extinguished to facilitate delivery of the Scheme, however there will be elements of Compulsory Acquisition on other parts of the project.

The Applicant's position is that land will only be acquired if it is needed, and an explanation will be provided in the Application. The Applicant acknowledged the disparity between the compulsory acquisition explanation relating to the M3 in the Statement of Reasons and the Book of Reference and confirmed that this was an oversight and would be corrected prior to submission.

### ***Habitats Regulations Assessment (HRA)***

The Inspectorate highlighted several points raised in the draft documents feedback. The Inspectorate elaborated on why the combining of the two draft HRA documents should be done with care to avoid duplication. The Applicant acknowledged this and explained that it had already merged the reports.

The Applicant confirmed that it had shared the draft HRA reports with Natural England and intends to incorporate their feedback if and when received.

The Inspectorate followed up on its advice regarding the Mottisfont Special Area of Conservation, designated for its bat population, querying whether the Applicant had communicated with other relevant project teams on the issue. The Applicant stated that it had been in correspondence with the A428 Black Cat to Caxton Gibbet project team and lessons had been learned.

The Applicant seeks a second review of the HRA towards the end of January or early February 2022.

### ***Alternatives***

The Applicant is reviewing the approach taken to the consideration of alternatives in other projects and confirmed that it is happy that the approach it has taken so far is appropriate.

### ***Other***

In regard to the Applicant's Works Plans, the Inspectorate questioned whether areas with no works or compulsory acquisition shown are to be used for ancillary works. The Applicant noted that such areas are used for ancillary works; mainly comprising temporary traffic management. The Applicant noted that wording will be added to the Application to explain this distinction.

### ***Programme Update***

The Applicant considers that submission towards the end of March 2022 is realistic.

The Applicant asked the Inspectorate whether, once feedback has been received by Natural England on the HRA and the documentation has been merged, it may be able to undertake a second review of the HRA report in January. The Inspectorate confirmed it would do.

More broadly, both parties are to consider if any other documentation would benefit from another review prior to submission.

**M3 JUNCTION 9**

**IMPROVEMENT – TR010055**

**Section 51 advice regarding draft application documents submitted by NATIONAL HIGHWAYS**

On 29 October 2021 NATIONAL HIGHWAYS submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

- 2.1 Location Plan
- 2.2 Land Plans (LP)
- 2.3 Works Plans
- 3.1 Draft Development Consent Order (dDCO)
- 3.3 Consents and Agreements Position Statement
- 4.1 Statement of Reasons (SoR)
- 4.2 Funding Statement
- 4.3 Book of Reference (BoR)
- 5.1 Consultation Report (CR)
- 6.1 Environmental Statement Chapters 1-4 (ES)
- 7.1 Case for the Scheme
- 7.5 Habitats Regulations Assessment (HRA)

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<sup>1</sup> See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

The advice recorded in the table comprising this document relates solely to matters raised upon the Planning Inspectorate’s review of the draft application documents, and not the merits of the proposal. The advice is limited by the time available for consideration and is raised without prejudice to the acceptance or otherwise of the eventual application.

<b>Land Plans and Book of Reference</b>		
<b>Ref No.</b>	<b>Plan/para ref</b>	<b>Comment/Question</b>
<b>1.</b>	<b>General</b>	It is noted that a number of plots are noted as unregistered/unknown owners, tenants or occupiers etc. The Applicant should continue to make best endeavours to identify, locate and notify any owners, tenants and occupiers etc.
<b>2.</b>	<b>General</b>	The Inspectorate notes that the Applicant intends to remove the white plots on the land plans and that these will not be included in the request for compulsory acquisition powers within the submitted application.
<b>3.</b>	<b>2.1.5 BoR</b>	<p>The Statement of Reasons says: <i>“The Applicant has sought powers of compulsory acquisition (or rights of use) in respect of all plots of land required for the Scheme with the exception of the M3 corridor. It is not proposed that the M3 corridor is included as there are not deemed to be any rights of others that would need to be extinguished to facilitate delivery of the Scheme.”</i></p> <p>The Inspectorate has noted that the approach above, as set out in the Statement of Reasons para 4.1.3, appears to be at odds with paragraph 2.1.5 of the BoR.</p>
<b>4.</b>	<b>3.1.7</b>	“The land shown coloured pink and blue will also be subject to the powers of temporary possession” – is this correct and/or necessary in terms of pink/permanent land?
<b>5.</b>	<b>3.1.7 and 3.1.8</b>	The BoR section 3 refers to ‘authorised project’ when referring to the titles of articles but the actual titles in the dDCO refer to ‘authorised development’, e.g. BoR para. 3.1.7 vs dDCO Art. 32 and BoR para. 3.1.8 vs dDCO Art. 33. Does this need consistency?

<b>Works Plans</b>		
<b>Ref No.</b>	<b>Plan ref</b>	<b>Comment/Question</b>
1.	<b>Sheets 1 and 2</b>	The Inspectorate notes that there does not appear to be any works on these plans, is the presumption that the land is for ancillary works outlined at the end of Schedule 1 of the dDCO correct?
2.	<b>General</b>	Should there be a key for elements such as splitter island and/or overbridge?
3.	<b>General</b>	The Inspectorate has noted that some sheets (e.g. 2, 4 and 5) include, what appear from the key to be, proposed traffic signs, Are these (i) different to the variable messaging signs (e.g. Work no. 10(a), Work nos. 46-49) and (ii) therefore part of the ancillary works outlined at the end of Schedule 1 of the dDCO?
4.	<b>General</b>	The Inspectorate has noticed small black squares on some sheets (e.g. 4 and 5) which appear to have no works or key for them.

<b>Draft Development Consent Order</b>		
<b>Ref No.</b>	<b>Article/ Requirement/Schedule</b>	<b>Comment/Question</b>
1.	<b>General</b>	The Applicant should ensure that when the dDCO is finalised for submission all internal references and legal footnotes are checked and that the drafting follows best practice set out in the Inspectorate's Advice Note 13 and Advice Note 15 and any guidance on statutory instrument (SI) drafting. For example see the references to other article numbers in Article 22. Schedule references are also not consistent with relevant Articles e.g. Schedule 8 refers to Article 40.

Draft Development Consent Order		
Ref No.	Article/ Requirement/Schedule	Comment/Question
2.	<b>General</b>	The Inspectorate notes that a draft Explanatory Memorandum (dEM) was not provided by the Applicant to read against the provisions in the dDCO. A thorough justification should be provided in the dEM for every Article and Requirement, explaining why the inclusion of the power is appropriate in the specific case. The extent of justification should be proportionate to the degree of novelty and/or controversy in relation to the inclusion of that particular power. Notwithstanding that drafting precedent has been set by previous DCOs, whether or not a particular provision in this DCO is appropriate will be for the Examining Authority (ExA) to consider and examine taking account of the facts of this particular DCO application and having regard to any views expressed by the relevant authorities and Interested Parties.
3.	<b>General</b>	The application dDCO and any subsequent versions submitted to the examination: <ul style="list-style-type: none"> <li>- should be supplied in both .pdf and Word formats, together with versions showing any changes from the previously submitted version by way of tracked changes; and</li> <li>- should be accompanied, where relevant, by a document explaining the changes made<sup>2</sup>.</li> </ul>
4.	<b>General - references to Part 1 of the 1961 Act</b>	Some Articles make provision for “compensation to be determined, in case of dispute, under Part 1 of the 1961 Act”. It is acknowledged that a provision in this form was in the various Model Provisions and was commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for Compulsory Acquisition. In order for there to be certainty that it would apply in other situations (e.g. Articles 15, 16, 27, 31, 32, 33, 37 and/or 38) the Applicant should consider whether a modification should be included and if not explain why.
5.	<b>Article 2</b>	The definition of ‘commence’ as drafted could enable a wide range of works before discharge of the Requirements. The dEM should explain why it is necessary to undertake these works before discharge of Requirements and clarify any impacts

<sup>2</sup> Example: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010056/TR010056-Advice-00007-1-210517%20TR010056%20A417%20Missing%20Link%20-%20Project%20Update%20Meeting%20&%20Draft%20Document%20Feedback%20-17%20May%202021\\_.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010056/TR010056-Advice-00007-1-210517%20TR010056%20A417%20Missing%20Link%20-%20Project%20Update%20Meeting%20&%20Draft%20Document%20Feedback%20-17%20May%202021_.pdf)

<b>Draft Development Consent Order</b>		
<b>Ref No.</b>	<b>Article/ Requirement/Schedule</b>	<b>Comment/Question</b>
		of these works, so that the ExA can consider whether this is justified or whether it is more appropriate that the works be controlled by Requirement. The Applicant should explain in the dEM if the works excluded from the definition of commence are de minimis or have minimal potential for adverse impacts, and if so, how this is secured in the dDCO. The DCO should not permit works outside those assessed in the ES and Applicant should consider limiting these works to those assessed within the ES.
<b>6.</b>	<b>Article 2</b>	The definition of 'maintain' as drafted could enable a wide range of works to take place outside of those assessed within the ES. The Applicant should consider limiting the works to those assessed within the ES or, if some flexibility is required, to those that would not give rise to any material new or materially different environmental effects to those assessed within the ES.
<b>7.</b>	<b>Article 5</b>	Notwithstanding other precedents, the dEM should explain the effect of and necessity for Article 5(2). How much land (and how far from the DCO boundary) might be affected by the provision? What enactments are likely to be engaged?
<b>8.</b>	<b>Article 7</b>	This Article appears to be intended to allow development not authorised by the DCO, but which is required for the scheme, to be carried out within the Order limits pursuant to planning permission. This would appear to obviate the need, in such circumstances, to apply to change the DCO (through section 153 of the Planning Act 2008). This Article should be justified in the dEM.
<b>9.</b>	<b>Article 25</b>	Should this Article be called 'Compulsory acquisition of rights and imposition of restrictive covenants'? Full justification should be provided for the power to impose restrictive covenants. The Applicant should note paragraph 26 of Advice Note 15: "Before deciding whether or not the power is justified the Secretary of State will need to consider issues such as proportionality; the risk that the use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants".

<b>Draft Development Consent Order</b>		
<b>Ref No.</b>	<b>Article/ Requirement/Schedule</b>	<b>Comment/Question</b>
10.	<b>Article 37</b>	See Article 35 in the made A63 Castle Street DCO <sup>3</sup> . The Secretary of State amended the equivalent Article in the A63 DCO to ensure that the loss of trees is limited to those assessed within the Environmental Statement.
11.	<b>Article 38</b>	The Inspectorate notes that Schedule 8 is unpopulated in the draft order. Schedule 8 must be completed in the submission version of the order and the Applicant is advised to ensure that the locations of any trees subject to a TPO are depicted on the relevant plans.
12.	<b>Schedule 1</b>	The Applicant is advised to carefully cross-check the wording of Schedule 1 with the Works Plans, e.g.: <ul style="list-style-type: none"> <li>- Sch. 1 states work no. 5 is on sheet 5, but it appears on sheets 5 and 6.</li> <li>- Sch. 1 states work no. 12 is on sheet 7, but it appears on sheets 3-8.</li> <li>- Sch. 1 states work no. 17 is on sheet 6, but it appears on sheets 5 and 6.</li> </ul>
13.	<b>Schedule 1</b>	The description of work no. 25 appears to be incomplete.
14.	<b>Schedule 2, Part 2</b>	Advice Note 15 Appendix 1 provides standard drafting for Articles dealing with discharge of Requirements. Where an applicant seeks for any amendment(s) to be made to the drafting of the standard wording provided in this appendix, it should be justified in full in the EM accompanying the dDCO.
15.	<b>Schedule 2, Part 2</b>	It is likely that an appointed ExA will ask questions about the appropriateness of the agreement of the Secretary of State being deemed after the period specified.

<sup>3</sup> Available at: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010016/TR010016-000903-TR010016\\_DCO%20as%20made%20by%20SoS.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010016/TR010016-000903-TR010016_DCO%20as%20made%20by%20SoS.pdf)



<b>Statement of Reasons</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
1.	4.9.7	See comments under LP/BoR above, does 'DCO' in this paragraph refer to CA powers?

<b>Consultation Report</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
1.	Fig. 2.1	Does not show the Statutory Consultation November to December 2021 as is included in Table 2.1.
2.	Table 3.3	The title of the table shows dates as between 'July 2021 - XXX 2022' but the first entry in the table in June 2021.

<b>Environmental Statement Ch 1-4</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
1.	1.2.4	The aerial photographs of the project contained in Figure 1.1 are helpful and are welcomed. The inclusion of a photograph that shows the whole project and provides a key to the separate sheets would also be useful.

<b>Environmental Statement Ch 1-4</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
2.	1.2.4	The shading used to denote Flood Zone 2 and the South Downs National Park on Figure 1.3 are similar in colour and it may be difficult for some to differentiate between them.
3.	1.3.14	Suggest the reference to the Ministry of Housing, Communities and Local Government is deleted as it has been retitled as the Department for Levelling Up, Housing and Communities, as also referenced.
4.	1.6.13	Includes a hyperlink to consultation documents.
5.	2.1.1	Wording suggests that decommissioning is considered although Section 2.12 confirms that it is not considered further in the ES. Suggest this is reworded for clarity.
6.	2.2.7	It is unclear to what total time period 'during that time' refers; it would be helpful if it was specified.
7.	2.5.8	It is stated that ES Chapter 4 provides further information on the M3 Junctions 9 to 14 Motorway Upgrade Scheme, although that chapter includes only a paragraph about it that repeats information provided in ES Chapter 2. Justification should be provided in the ES for the conclusion that although there would be a period of temporal overlap between the two projects, the remaining works for the Motorway Upgrade Scheme would not be material, and a description of the remaining works and timeline should be provided. It is understood that ES Chapter 15 will address cumulative effects and appreciated that the intention may be to pick this up there.
8.	2.6.1	The Preliminary Environmental Design plans contained in Figure 2.2 are helpful and are welcomed. The inclusion of a figure that shows the whole project and provides a key to the separate sheets should also be included.
9.	2.6.9	It is stated that the existing northbound A34 diverge link towards the A33 would be abandoned and that part of it would be utilised for other purposes, however it is not explained what would happen to the remaining part. This should be explained in

<b>Environmental Statement Ch 1-4</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
		the ES.
<b>10.</b>	<b>2.6.29</b>	If there is a possibility of pontoons being used for the construction of the new River Itchen bridge potential environmental impacts should be considered in the ES.
<b>11.</b>	<b>Table 2-1</b>	It should be ensured that these dimensions are consistent with those set out in the dDCO.
<b>12.</b>	<b>2.6.51 – 2.6.54</b>	Needs to be made clear if the works that would consist of changes to works constructed as part of the M3 Junctions 9 to 14 Motorway Upgrade project are encompassed within the red line boundary for this project.
<b>13.</b>	<b>2.6.56</b>	Assume impacts on ecological receptors arising from the proposed drainage measures will be covered in the ES Biodiversity chapter if not the Road Drainage chapter.
<b>14.</b>	<b>2.6.57</b>	First use of 'fiEMP'; needs to also be put in full here. Subsequently this document is titled 'First Iteration Environmental Management Plan' or 'first iteration Environmental Management Plan'. Suggest the same format is used throughout the ES and in all other documents.
<b>15.</b>	<b>2.6.69</b>	Details of temporary construction lighting should be described in the ES, and consideration given to any potential for significant effects.
<b>16.</b>	<b>2.6.73</b>	Offsite works that could give rise to significant effects should be assessed in the ES.
<b>17.</b>	<b>Sections 2.7 &amp; 2.8</b>	Suggest the information in these sections could instead be incorporated into the information on mitigation contained in Section 4.6 of ES Chapter 4, rather than cross-reference made to these sections from Chapter 4.

<b>Environmental Statement Ch 1-4</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
18.	2.7.4	Reference is made to an 'EMP (Construction)' which is also subsequently referred to as the 'Second Iteration EMP (SiEMP)'. Suggest that to avoid confusion one term is used consistently throughout the ES and other application documents.
19.	2.7.4 & 2.10.2	The First Iteration EMP should contain sufficient detail of the proposed activities and mitigation measures to allow their likely efficacy to be understood.
20.	2.9.4	Is the figure of 19ha of highway elements on a total application site of 109.7ha correct?
21.	2.10.7	The likely instances of longer working hours should be estimated and any impacts assessed in the ES accordingly.
22.	2.10.11	The temporary construction compounds are not identified as such on Figure 2.1. In addition, a number of the labels on the plans do not identify the location to which they refer.
23.	2.10.12	It is unclear from this statement whether this compound will be included in the application.
24.	2.10.14	Only examples are provided of measures that would be implemented to avoid pollution. The ES should identify all the measures that would be required to avoid potential significant effects arising from pollution.
25.	2.10.17	The ES should assume a worst case scenario for plant numbers and types for the purposes of the assessments.
26.	2.10.37	Figure 2.3 does not show the entire extent of the application site and does not identify all the PRow by name. All affected existing and proposed PRow should be presented on figures.
27.	Chapter 3	It is not always clear which criteria are being used to assess the alternatives set out. This applies, for example (but not solely), to 3.4 Initial options identification and assessment (2013) - with some criteria being implicit in e.g. paras. 3.4.6, 3.4.11, 3.4.12 and 3.4.13 and to 3.5 Options development, shortlisting and assessment (2015-2016) in which further criteria

<b>Environmental Statement Ch 1-4</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
	<b>General</b>	are listed in 3.5.1. The table following 3.11.16 does set out criteria but it is not clear how these have been derived or whether they are the same as those used in preceding assessments. This is the same for the criteria in paragraph 3.13.3 and 3.
<b>28.</b>	<b>Chapter 3 General</b>	Whilst it is recognised that the approach taken in the table following 3.11.16 may be employed in order to make the overall picture clearer, the table following 3.11.16 does group a number of potentially important and disparate factors together – notably under ‘Local Environment’ which includes such varied factors as air quality and landscape. (It is also noted that two alternatives are each characterised as ‘best’ under ‘Implementation Timetable’ in this table).
<b>29.</b>	<b>Chapter 3 General</b>	Related to the approach taken in the table following 3.11.16, it appears that differing measures of assessment are used in different parts of the chapter with, for example, Table 3-1 and 3-2 using degrees of ‘beneficial’ and adverse’ whilst Table 3-4 and Table use weighted scoring. Table 3-4 does not set out how these scores have been reached – nor, unlike paragraph 3.14.11, what they mean. (It is also noted that para. 3.13.15 states that the central compound was identified as having a poorer score overall, due to its location in the National Park – but it is not clear which of the criteria set out in the table reflected that location.)
<b>30.</b>	<b>3.2.4</b>	Figures depicting Options 16A and 16B are presented, however Option 16C, a variation of 16A and which replaced it, is not depicted. Suggest a figure is included.
<b>31.</b>	<b>3.5.5 and fourth bullet</b>	It is stated that there would be a moderate adverse construction effect in relation to road drainage and the water environment for Options 14, 16A and 16B, however a large adverse effect is identified in Table 3-1 above.
<b>32.</b>	<b>3.6.2 &amp; 3.6.3</b>	Reference is made to ‘the consultation brochure’, however no cross-reference or hyperlink (notwithstanding PINS decision on whether use of hyperlinks is acceptable) is provided to that document.
<b>33.</b>	<b>3.11.5</b>	‘Stage 2’ and ‘Stage 3’ are first used here and are not defined in this chapter.  Should the reference to ‘Option 14’ in the last line be to ‘Option 14C’?

<b>Environmental Statement Ch 1-4</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
34.	<b>Section 3.15</b>	References are made to design changes being now shown, although it is not indicated on which plans they are depicted.
35.	<b>3.15.1</b>	Paragraph states that the minor design evolution changes do not constitute reasonable alternatives to the scheme. This is not justified more fully and may be seen to be at odds with the fact that, for example, these have led to the A34 northbound diverge going over rather than under the A33.
36.	<b>4.4.6 &amp; Table 4-2 (page 4-8)</b>	Table 4-2: Magnitude of impact does not include descriptions of 'negligible' and 'no change', as set out in Table 3.4N in DMRB LA 104, on which the table is based according to para 4.4.6.
37.	<b>4.4.11</b>	Suggest that reference is made to 'cumulative' rather than 'in combination' effects in the ES, consistent with the EIA Regulations and to differentiate them from effects required to be considered according to the HRA Regulations.
38.	<b>4.6.9 &amp; 4.6.10</b>	The text in these paragraphs appears to be partly duplicated.  It is assumed that, as with embedded mitigation, the essential mitigation measures will be contained in the REAC within the EMP. This could be confirmed here.
39.	<b>4.6.11</b>	It would be helpful to readers if the significance of an effect was identified both prior to and following the implementation of mitigation.
40.	<b>4.6.14</b>	Is 'environmental factor areas' the intended wording?
41.	<b>Section 4.10</b>	As above, suggest reference is made to 'cumulative effects', which describe both combined effects from the project on individual receptors and cumulative effects arising from the project combined with other developments.

<b>Habitats Regulations Assessment (HRA)</b>		
<b>Ref No.</b>	<b>Paragraph/ Section</b>	<b>Comment/Question</b>
1.	<b>Screening Report and Appropriate Assessment Report</b>	The request for comments notes that the Shadow HRA is presently submitted as two documents – the Likely Significant Effects Report and the Appropriate Assessment, and this will be merged into a single document for the DCO application. This is welcomed, and the Inspectorate requests that care is taken in the merging of the documents that material is not duplicated in order to avoid unnecessary repetition.
2.	<b>Screening Report, Table 1.1</b>	The dates of the surveys are not routinely provided in this table. This should be provided in the final version. In contrast, a description of the ecological baseline is provided in Table 3.1 of the Appropriate Assessment report which provides more detail about the surveys, including the date they were undertaken, and their findings. This is welcomed – the final merged report would benefit from an approach that avoids duplication but retains detail.
3.	<b>Screening Report, section 1.8</b>	The report states that an Evidence Plan has been submitted to Natural England (NE) and the Environment Agency for comment. It is recommended that this be submitted with the DCO application. Comments from NE are provided in this section but there is no explanation of if/how these have been addressed. Evidence of agreement with SNCBs should be included in the final HRA report if possible.
4.	<b>Screening Report, Tables 3.1 and 3.2</b>	The Screening tables provided are the standard National Highways format – notwithstanding this the Inspectorate considers that these should include ID or paragraph numbers to enable the ExA to refer to specific rows/paragraphs if necessary. This also applies to the Tables in the Appropriate Assessment.
5.	<b>Screening Report, Table 3.1</b>	Table 3.1 states that no likely significant effects as a result of operational phase noise have been identified and refers to Appendix D (the PINS matrix) for explanation. Justification for concluding no LSE and screening out impacts should be provided in the main body of text instead of the Appendices.

Habitats Regulations Assessment (HRA)		
Ref No.	Paragraph/ Section	Comment/Question
6.	<b>Screening Report, Table 3.2</b>	The Core Sustenance Zone for the Barbastelle bat population of the Mottisfont SAC is based on a report by Jonathon Cox Associates dated 2010. The Applicant should ensure that the baseline data is up to date and relevant. The HRA should provide reference to supporting evidence in the ES (i.e. bat survey reports). In light of the extensive discussions regarding impacts on a SAC Barbastelle bat population for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme examination, the Applicant is advised to consider whether lessons can be applied from the A428 examination and addressed in advance of submission. Agreement from NE's bat specialists on the conclusions of the assessment should be sought.
7.	<b>Screening Report, Appendix C</b>	Table C1 includes information about the condition of the component SSSIs. The report lacks a detailed explanation of the relevance of the SSSI condition to the assessment of impacts on the SAC or similar. It would help to clarify this in the final report.
8.	<b>Appropriate Assessment Report, paragraph 5.6.3</b>	<p>Paragraph 5.6.3 explains that short-term, temporary damming and dewatering of the River Itchen around each drainage outfall structure will be required, extending approximately 5-10 metres along the riverbank, and across no more than 50% of the river width.</p> <p>Question to PINS: <i>"We are currently classifying this impact as degradation as opposed to loss, as no habitat will be removed. However, we would welcome your views on this classification. Were we to categorise this as temporary loss, given the small scale, and temporary nature, the conclusion of no adverse effects to integrity would remain."</i></p> <p>The Inspectorate considers that the impact pathways and their classification should be agreed with NE.</p>

**General comments relating to minor errors**



Ref No.	Document	Comment/Question
1.	<b>Statement of Reasons</b>	<p>Although the Inspectorate notes that this is an incomplete draft of the document, the Applicant is advised to proof-read for typing and formatting errors prior to submission; a few errors were spotted in our review including the following:</p> <ul style="list-style-type: none"> <li>- Paragraph 1.4.4 states ‘The acquisition of all land interests is necessary to enable the Scheme to be proceed.’ – remove ‘be’.</li> <li>- Some paragraphs should be re-positioned as ‘justify’ to match the majority.</li> <li>- Paragraph 2.2.5 has repeated words ‘Case for the Scheme’.</li> <li>- The Applicant should consider if 4.7.4 needs re-wording, suggest removing ‘were identified’.</li> </ul>
2.	<b>Consultation Report</b>	<p>Although the Inspectorate notes that this is an incomplete draft of the document, the Applicant is advised to proof-read for typing and formatting errors prior to submission; a few errors were spotted in our review including the following:</p> <ul style="list-style-type: none"> <li>- Table 4.1 – first row: ‘fully’ details – should it be ‘full’ details?</li> <li>- Chapter 6.4.8 - ‘Section 43 of the PA2008t’ – remove ‘t’.</li> <li>- Table 8.3 – first row: ‘Host Authoritieswho’ – gap needed between words.</li> <li>- Paragraph 9.3.37 - ‘those consultees are highlighted in ‘organs’ in Appendix XX’ – should this be ‘orange’?</li> <li>- Table 4.4 - the Applicant is advised to check address details for locations and correct these if necessary.</li> <li>- Tables 3.2 and 8.4 - some entries are not in chronological order.</li> </ul>
3.	<b>Environmental Statement Ch 1-4</b>	<p>Although the Inspectorate notes that this is an incomplete draft of the document, the Applicant is advised to proof-read for typing and formatting errors prior to submission; a few errors were spotted in our review including the following:</p> <ul style="list-style-type: none"> <li>- 2.2.8 - ‘and’ is omitted after ‘safety’ in the first line.</li> <li>- 2.3.1 - ‘and’ is omitted after ‘walkers’ in the penultimate bullet.2.3.4</li> <li>- 2.3.4 - Is the last word in this sentence, ‘understandable’, the intended word?</li> <li>- 2.4.4 - ‘are’ is omitted after ‘depot’ in the last line.</li> </ul>

General comments relating to minor errors		
Ref No.	Document	Comment/Question
		<ul style="list-style-type: none"> <li>- 2.4.5 - Assume 'and' before 'environment' in line 5 should be 'an'.</li> <li>- 2.5.2 - Assume 'receptor' in line 1 should be plural.</li> <li>- 2.6.4 - Should 'measures' in line 1 be 'measured'?</li> <li>- 2.6.18 - Wording appears to have been omitted from sentence 2, after 'below'.</li> <li>- 2.6.58 - Assume 'attention' in line 2 should be 'attenuation'.</li> <li>- 2.6.59 - Assume 'the of' at the start of line 4 should be deleted.</li> <li>- 2.8.2 - Assume 're-seeing' in bullet 9 should be 're-seeding'.</li> <li>- 2.8.2 - Assume 're-fulling' in bullet 12 should be 'refuelling'.</li> <li>- 2.9.2 - Assume 'as' in the penultimate line should be 'are'.</li> <li>- 2.10.35, first bullet, first line on page 40 - Assume 'for' should be inserted before 'construction'.</li> <li>- 2.10.42, first line - Assume 'then' should be 'the'.</li> <li>- 3.5.13, second &amp; third bullet - Assume 'effecting' should be 'affecting'.</li> <li>- 3.5.13, final bullet - Assume 'throughabout' should be 'roundabout'.</li> <li>- 3.11.1, line 4 - Assume 'and' should be inserted before 'operational'.</li> <li>- 3.11.16, last line - Assume 'are' should precede 'included'.</li> <li>- 4.2.6, line 1 - Assume 'that' should be 'the'.</li> <li>- 4.5.2 - 'the Conservation of Habitats and Species Regulation 2017' should be 'The Conservation of Habitats and Species Regulations 2017'.</li> <li>- 4.6.8, second bullet, second sentence - the wording has gone awry. Assume it should say something like '..to replace trees that are required to be removed..'</li> </ul>

## General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: *“The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.”*