

| | |
|-------------------------------|--|
| Report to | Policy & Resources Committee |
| Date | 27 February 2018 |
| By | Wealden Heath Countryside Policy Manager |
| Title of Report (Decision) | Response to Highways England re M3 Junction 9 |

Recommendation: The Committee is recommended to:

- 1. Note the proposed scheme for M3 Junction 9.**
- 2. Note the impacts on the Special Qualities of the South Downs National Park.**
- 3. Approve the draft Response to Highways England to be considered by the NPA.**
- 4. Request that Highways England produce a fully costed scheme of mitigation and compensation before selecting the preferred route and going to formal consultation to allow for proper consideration.**
- 5. Endorse officers continue working with HE to ensure HE's nationally designated funds are utilised for maximum benefit locally.**
- 6. Agree that Members and appropriate officers continue to be engaged with the specific consultation and technical groups that Highways England (HE) have set up, to ensure NP purposes are fully represented.**

1. Introduction

- 1.1 As part of the Road Investment Strategy 1 (RIS1) for the period 2015-2020, Highways England (HE) have been developing plans for major works to address multiple issues around Junction 9 of the M3, and its interchange with the A33 and A34.
- 1.2 The project is being developed on the basis of delivering major infrastructure improvements at M3 Junction 9 to assist with the strategic movement and effective management of traffic, utilising the existing intersection. The scheme budget is £70-100m.
- 1.3 Members will recall the background and discussions which led to the adoption of the SDNPA 'Position Statement' as the basis for responding to proposed road schemes for the A27 (Arundel, Chichester, Worthing & Lancing, East of Lewes) at the 23 September 2014 South Downs National Park Authority (SDNPA) meeting, see **Appendix 1**.
- 1.4 Members will also recall that at the Part 2 discussions of the SDNPA meeting of 1 December 2015 an approach was agreed to collect information on the impacts of these schemes on the Special Qualities to inform our response to the consultation by HE and their consultants, see **Appendices 4 to 8 and 10**.
- 1.5 The Members workshop on the 26 January 2018 included a site visit to the M3 J9, a presentation and questions and answers session with HE officers and further discussions.

1.6 HE have given the SDNPA extra time to respond as the HE consultation period didn't align with SDNPA committee timings. SDNPA will therefore submit its response after the NPA on 22 March 18. The SDNPA draft response for comments is at **Appendix 3**.

2. Policy Context

2.1 This proposal impacts and could contribute to the following policies of the PMP:

Policies: 1, 2, 3, 4, 5, 6, 8, 9, 10, 19, 23, 24, 26, 28, 29, 30, 31, 34, 37 and 40.

3. Issues for consideration

3.1 M3 Junction 9 is a key transport interchange which connects South Hampshire (facilitating an intensive freight generating industry) and the wider sub-region, with London via the M3 and the Midlands/North via the A34 (which also links to the principal east-west A303 corridor).

3.2 The M3/A34 runs through/alongside the SDNP and the Itchen valley in this area. The Itchen valley is designated as a Special Area of Conservation, it has a wealth of cultural heritage assets including designated and non-designated monuments, is an important easily accessible area for communities and has an important role to play in the flood defence of Winchester itself.

3.3 A significant volume of traffic currently use the grade separated, partially signalised gyratory (approximately 6,000 vehicles per hour during the peak periods) which acts as a bottleneck on the local highway network and causes significant delay throughout the day.

3.4 Northbound and southbound movements between the M3 and the A34 are particularly intensive, with downstream queues on the northbound off-slip of the M3 often resulting in safety concerns during peak periods. To overcome queuing on the off-slip, additional green time is allocated to the northbound off slip of the M3 and the A34 link, resulting in the development of lengthy queues on A272 Spitfire Link and Easton Lane during the morning and evening peak periods respectively.

3.5 This scheme will aim to:

- Improve safety by reducing queueing and delays.
- Reduce congestion and improve reliability.
- Reduce the number of people affected by noise and improve air quality.
- Improve conditions for non-motorised users. The scheme would connect National Cycle Network Route 23 which is severed by the current layout.
- Support sub-regional economic growth, unlocking road capacity for jobs, businesses and new homes.

3.6 Public consultation on the scheme proposals is programmed from 9 January through to the 19 February 2018, HE have given SDNPA additional time to submit their response.

3.7 Scheme drawings have not been made available to external statutory consultees but the attached plan **Appendix 2** shows the redline of the proposed works together with the environmental constraints which have so far been identified by HE. The location of the SDNP is shown in brown. Implementation is programmed for 2021/22.

Planning process

3.8 It is understood that permission for the M3 Junction 9 Scheme will go through the National Infrastructure Planning process which is undertaken by the Planning Inspectorate (PINS) on behalf of the Secretary of State. Highways England will apply for a Development Consent Order (DCO). The National Park Authority would be considered to be a 'relevant' Local Authority and will be invited to produce a *Local Impact Report* on the proposals within the DCO to submit to PINS for their consideration during the application process.

Planning policy

3.9 *National Policy Statement for National Networks*¹ (NNNPS) is a planning policy document which sets out planning guidance for the development of national significant infrastructure projects on the road and rail networks. The Secretary of State will use the NNNPS as the primary basis for making decisions on development consent applications for National Infrastructure projects.

3.10 The following paragraphs specifically refer to development within National Parks and set out the basis for decision making when this is proposed by the applicant:

- Para 4.26 Regarding the assessment of alternatives for schemes within National Park.
- Para 5.148 Assessment process refers to the need for applicants to adhere to the requirements of the Government circular 2010 on the 'English National Parks and the Broads'² or successor documents.
- Paras 5.148-5.155 Set out the approach to the tests for major road schemes within National Parks.

National Planning Policy Framework

3.11 Paragraph 115 of this document states that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage in National Parks, the Broads and Areas of Outstanding National Beauty.

3.12 Paragraph 116 then goes on to say that planning permission should be refused for major development in these areas except in exceptional circumstances and where it can be demonstrated to be in the public interest and meets the following tests:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3.13 Local Plan documents may also be considered relevant by PINS:

- The Winchester/SDNPA Joint Core Strategy 2014: The Joint Core strategy 2013 contains the following overriding policy which is relevant to the proposal.
- Policy CPI9 - South Downs National Park: New development should be in keeping with the context and the setting of the landscape and settlements of the South Downs National Park. The emphasis should be on small-scale proposals that are in a sustainable location and well designed. Proposals which support the economic and social wellbeing of the National Park and its communities will be encouraged, provided that they do not conflict with the National Park's purposes.

Development within and adjoining the South Downs National Park which would have a significant detrimental impact to the rural character and setting of settlements and the landscape should not be permitted unless it can be demonstrated that the proposal is of over-riding national importance, or its impact can be mitigated.

- The emerging South Downs Local Plan (Submission Version, September 2017).
- Partnership Management Plan – Shaping the future of your South Downs National Park 2014-2019.

¹ <https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>

² <https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

4. Next Steps

- 4.1 The SDNPA officers have significant concerns about the proposals in relation to impacts on the South Downs National Park and its purposes and duty.
- 4.2 The SDNPA urges HE to explore all possible alternative solutions to minimise the proposed land take within the SDNP. This includes the proposed siting of the temporary construction compound opposite Magdalen Hill. There are 3 existing highway depots around the junction and it is recommended that use of these existing facilities is explored rigorously.
- 4.3 Recommendations for mitigation and compensation have been made in the draft response and in the supporting studies which form the appendices to this report. The Government's publication of 'A Green Future: Our 25 Year Plan to Improve the Environment' includes the commitment to 'support development by embedding the principle that new development should result in net environmental gain...' The challenge and expectation is for HE to work up the details of mitigation and compensation to a sufficient standard to be enhancing for a National Park, in line with current guidelines, duties and HE's own ambitions.
- 4.4 However, a mitigation/compensation package is not part of the consultation at this stage. Although broad statements about mitigation have been made by HE, there is no indication of feasibility or costs or the likely success of such measures. Compensation measures for the loss of land within the SDNP has not been identified in the documents. The SDNPA asks for the detail of the intended mitigation and compensation proposals and commitment to be clear as a pre-condition of selecting a preferred route.
- 4.5 The supporting reports acknowledge that the M3 and A34 are already present in the landscape and that the impacts of this proposal are considered over and above those of the existing road alignment which is set in a relatively mature tree lined corridor within the Itchen valley. The loss of land to the development within the SDNP and the height of the proposals above the existing roads will add to the cumulative impact of the proposals on the SDNP which (in some locations) are considered to be unacceptable.

5. Other Implications

| Implication | Yes*/No |
|---|----------------------|
| Will further decisions be required by another committee/full authority? | Yes – NPA March 2018 |
| Does the proposal raise any Resource implications? | No |
| How does the proposal represent Value for Money? | No VfM issues |
| Are there any Social Value implications arising from the proposal? | No |
| Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010? | Yes |
| Are there any Human Rights implications arising from the proposal? | No |
| Are there any Crime & Disorder implications arising from the proposal? | No |

| | |
|---|---|
| Are there any Health & Safety implications arising from the proposal? | No |
| Are there any Data Protection implications? | No |
| Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy? | Yes, increasing road capacity encourages: <ul style="list-style-type: none"> • More people to drive and travel further to get to work. • More road based commerce. • Dependence on non-renewable energy to power majority of vehicles. |

6. Risks Associated with the Proposed Decision

| Risk | Likelihood | Impact | Mitigation |
|------|------------|--------|------------|
| None | | | |

ANDY BEATTIE

Countryside and Policy Manager - Wealden Heaths South Downs National Park Authority

| | |
|----------------------|--|
| Contact Officer: | Andy Beattie |
| Tel: | 01730 819242 |
| email: | andy.beattie@southdowns.gov.uk |
| Appendices | Appendix 1 Position Statement Appendix 2 Map of the proposals Appendix 3 Draft Response Appendix 4 Landscape & Visual Report Appendix 5 Biodiversity Report Appendix 6 Cultural Heritage Appendix 7 Access Report Appendix 8 Arboriculture Report Appendix 9 Zone of Cumulative Theoretical (digital) Visibility Appendix 10 Tranquility and Ecosystem Services |
| SDNPA Consultees | Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Environment and Infrastructure Strategy Lead |
| External Consultees | None |
| Background Documents | NPA Sept 14 NPA Dec 15 Members Workshop Jan 18 |

