

Report to	South Downs National Park Authority
Date	6 July 2021
By	Director of Planning
Title of Report Decision	Response to Highways England's Section 42 Statutory Consultation on the M3 Junction 9 Improvements Scheme

Recommendation: The Authority is recommended to:

- 1. Approve the proposed consultation response to Highways England's as set out in Appendix 5, and**
- 2. Delegate authority to the Director of Planning, in consultation with the Chair of the Authority, to make any amendments to the consultation response as he considers appropriate following the discussion by the NPA as well as any inconsequential amendments he considers necessary and submit the consultation response.**

1. Introduction

- 1.1 This report is seeking approval of the Authority's consultation response to Highways England's proposals for improvements to the M3 Junction 9.

2. Background and Policy Context

- 2.1 Section 42 of the Planning Act 2008 – 'duty to consult on a proposed application' refers to the Nationally Significant Infrastructure Projects (NSIP) planning process. This is a formal statutory consultation that Highways England are legally required to undertake before they submit a 'Development Consent Order' (DCO) application to the Planning Inspectorate (the Inspectorate).
- 2.2 This is the second 'Section 42 consultation' that Highways England have undertaken for their proposals to alter Junction 9 on the M3.
- 2.3 The first consultation took place in 2019. At that time, the Authority issued a 'holding objection' and a copy of the consultation response is available to view as part of the papers listed for 1 October 2019 Authority meeting (a link is provided under the background documents listed below).
- 2.4 Since the 2019 consultation, Highways England have changed their project team (and associated consultants) and reviewed consultation responses received. This has resulted in a new 'preferred option' being developed. It is this redesign that is subject to this Section 42 consultation process, with a closing date for comments of 8 July 2021.
- 2.5 Consultees and other interested parties have been invited to comment on the information made available on Highways England's website. This information includes:
 - The Indicative General Arrangement Plan (copy attached as **Appendix 1**);

- The Indicative Land Use Plan (copy attached as **Appendix 2**);
 - A Preliminary Environmental Information Report which provides an initial statement of the main environmental information available, along with descriptions of likely environmental effects and mitigation measures envisaged for the Scheme (copy not attached to report however this can be viewed via web link listed under the background documents below);
 - The Environmental Mitigation Design Plan (copy attached as **Appendix 3**), and
 - The Walking and Cycling Proposals Plan (copy attached as **Appendix 4**).
- 2.6 In summary, the new 'preferred option' requires more land from within the National Park (mainly on the eastern side of the M3) when compared to the original consultation. The larger area now proposed for the DCO application boundary (referred to in consultation material as the 'indicative application boundary') is required to construct the new roads / links and provide additional land for mitigation measures, including land for managing the excess spoil.
- 2.7 The M3 connects south Hampshire with London, the Midlands and the North and forms a key freight route. With traffic particularly heavy between the M3 and the A34. The purpose of the overall project is to reduce congestion and improve journey times, reduce queuing traffic and delays and support economic growth by improving the road capacity.
- 2.8 The detailed proposed highway changes are set out below (and as shown on the Plan in Appendix 1):
- The existing M3 northbound (south of Junction 9) would be converted to a four-lane motorway;
 - North of Junction 9, two lanes would diverge from the M3 to form a new A34 northbound link, while the remaining two lanes would continue north as the M3;
 - The A34 southbound would pass under the M3 and A33 and an offslip would be provided (off the A34 southbound link road) connecting to the new Junction 9 roundabout, while the other would join the M3 southbound carriageway;
 - The Junction 9 roundabout would be replaced with a smaller roundabout;
 - The existing A34 link connecting to the existing Junction 9 roundabout would be converted into a two-way road to connect to the A33, and will provide access to Highways England existing maintenance depot. North of the depot the carriageway would continue with a link to the M3 northbound, and a continuation of the A33 northbound towards Basingstoke, and
 - A new M3 southbound slip road (off the motorway) would merge with the new A34 southbound connector road, which then proceeds along a new link to the Junction 9 roundabout for more local traffic.
- 2.9 The current proposed mitigation measures include (and as illustrated on Plans in Appendices 3 and 4):
- Conversion and re-profiling of existing agricultural land to Chalk Grassland, and Chalk Grass treatment to earthworks and cuttings adjacent to the road network;
 - Proposed Broadleaf Woodland between sections of the new carriageway and linear sections to screen the road from views and to provide habitat connectivity to the existing Site of Scientific Interest;
 - Proposed conversion of existing agricultural land to species rich grassland land;
 - A number of 'Sustainable Urban Drainage Systems' (SuDs) and attenuation features to deal with surface water and drainage;
 - No lighting for the Junction or the slip roads (subways and underpass will be lit);

- The National Cycle Network 23 from the Tesco roundabout, through the Junction 9 roundabout and on to Easton Lane to be upgraded with future provision for horse-riders allowed for;
- A new walking and cycling route through Junction 9 to link up to Easton Lane on both sides of the motorway (the route would descend to a subway provided beneath the new roundabout);
- A new walking route to the west of the M3 to link the A33 / B3047 Junction to Winnall Industrial Estate situated on Easton Lane. The route would be constructed in the existing verge and then continue on part of the existing road network which is to be abandoned. This route would also require a new crossing (not for motorised vehicles) over the River Itchen as well as other subways in certain locations along the route, and
- An additional footpath on the eastern side of the Scheme to link Easton Lane with Long Walk.

2.10 Other elements of the Scheme include:

- Three (3) areas, located on the eastern side of the Scheme and within the National Park, for excess spoil management. In these areas it is proposed that topsoil would be stripped, separated and the material stored in bunds at an approximate height of 4m. It is then anticipated that these areas would be returned to agricultural use.
- Four (4) possible locations for the construction compounds, as shown on the Plan in Appendix 2. Two would be located within the National Park.

2.11 At its 2 July 2019 meeting, the Authority agreed that the following four key priorities (each having equal weight) should be used as the guiding framework for any consultation response:

- The landscape setting, this includes issues such as land re-profiling, lighting and trees / woodland screening (the landscape setting of this particular area featured prominently in the public inquiry into the designation of the National Park);
- Water and its enjoyment (particularly the quality and quantity impacts on the River Itchen Special Area of Conservation and Site of Special Scientific Interest, and Winnall Moors Nature Reserve);
- Chalk grassland (mitigation or compensation for areas directly impacted by the scheme), and
- Access to the National Park from Winchester for walkers, cyclists and other users (preventing any further severance and improving access where possible).

2.12 Under the NSIP process, once the application is submitted to the Inspectorate (on behalf of the Secretary of State) for consideration, the Authority (as a 'relevant Local Authority') will be invited to produce a 'Local Impact Report' and a written representation on our views of the proposal and to take part in the examination hearings. Discussions with Highways England on all aspects of the scheme are expected to occur throughout the lead up to the submission (for example on a Statement of Common Ground) and right up to and including the actual examination hearings.

2.13 Highways England's revised timetable states that the application will be submitted to the Inspectorate in early 2022.

3. Issues for consideration

3.1 The Authority is asked to approve the proposed response to the consultation (as set out in **Appendix 5**) which in summary is a holding objection to the proposed scheme due to a lack of detailed information, insufficient mitigation and compensation measures in a number of respects and in particular, the new footpaths proposed are inadequate and should be amended to facilitate their use by cyclists and horse riders, as well as pedestrians.

3.2 The lack of detailed information and clarity and certainty around the mitigation and compensation measures has resulted in the Authority being unable to make a fully informed assessment of all the impacts and the required mitigation and compensation measures.

3.3 The response has been structured around the four key priority areas agreed by the Authority at their 2 July 2019 meeting (as referred to in paragraph 2.11 above).

4. Cost implications

4.1 A considerable amount of officer time has already been invested in preparing an evidence base and in meetings with Highways England. Officers have secured a Planning Performance Agreement with Highways England to mitigate these costs.

5. Next steps

5.1 The Authority is recommended to agree to the response (set out in **Appendix 5**) and give delegated authority to the Director of Planning, in consultation with the Chair of the Authority, to make amendments to the response as agreed by the National Park Authority and to submit the response to Highways England by 8 July 2021.

6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No - This is the last legally required formal consultation before Highways England submit the DCO application (unless Highways England chose to carry out another consultation). This response will form the basis for any Authority response to the DCO application and examination in due course.
Does the proposal raise any Resource implications?	Yes – officers have agreed a Planning Performance Agreement with Highways England to mitigate these costs.
How does the proposal represent Value for Money?	N/A
Are there any Social Value implications arising from the proposal?	N/A
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes – no equalities implications arise directly from this paper. The Planning Inspectorate and Secretary of State will have to have regard to this equality duty in their assessment of Highways England's proposals.
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	Yes - this is a road building scheme within a National Park.

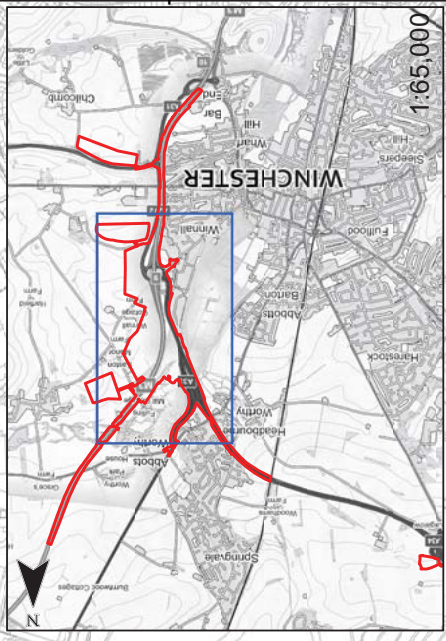
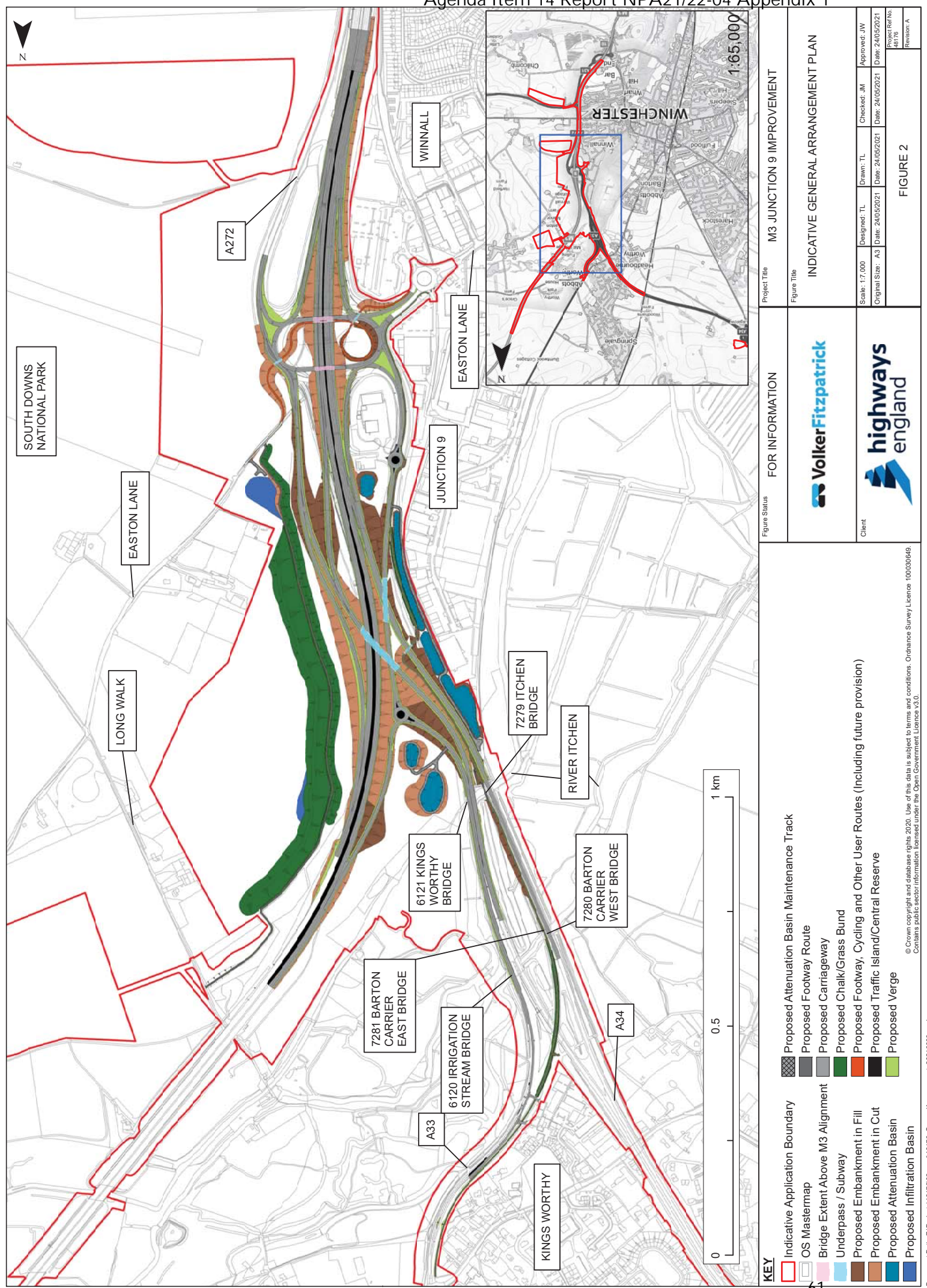
Strategy?	
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7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Reputational Risk from objecting (or not objecting) to the Scheme	Medium	Low	Risks are mitigated by acting in the best interest of the National Park's purposes, being evidence led, being clear what we are asking for and holding regular meetings with Highways England and other stakeholders.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer:	Kelly Porter, Major Projects Lead
Tel:	01730 819314
email:	kelly.porter@southdowns.gov.uk
Appendices	<ol style="list-style-type: none"> Improvements to M3 Junction 9 – Indicative General Arrangement Plan Improvements to M3 Junction 9 – Indicative Land Use Plan Improvements to M3 Junction 9 - Environmental Mitigation Design Plan Improvements to M3 Junction 9 - Walking and Cycling Proposals Plan SDNPA's proposed response to Highways England
SDNPA Consultees	Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services
External Consultees	None
Background Documents	<ul style="list-style-type: none"> Highways England proposed improvements to M3 Junction 9 Section 42 Consultation – https://highwaysengland.co.uk/our-work/south-east/m3-junction-9-improvements/ Memorandum of Understanding between National Parks England and Highways England – October 2019 National Park Authority – 1 October 2019 National Park Authority – 2 July 2019 National Park Authority – 22 March 2018 Policy and Resources Committee – 27 February 2018



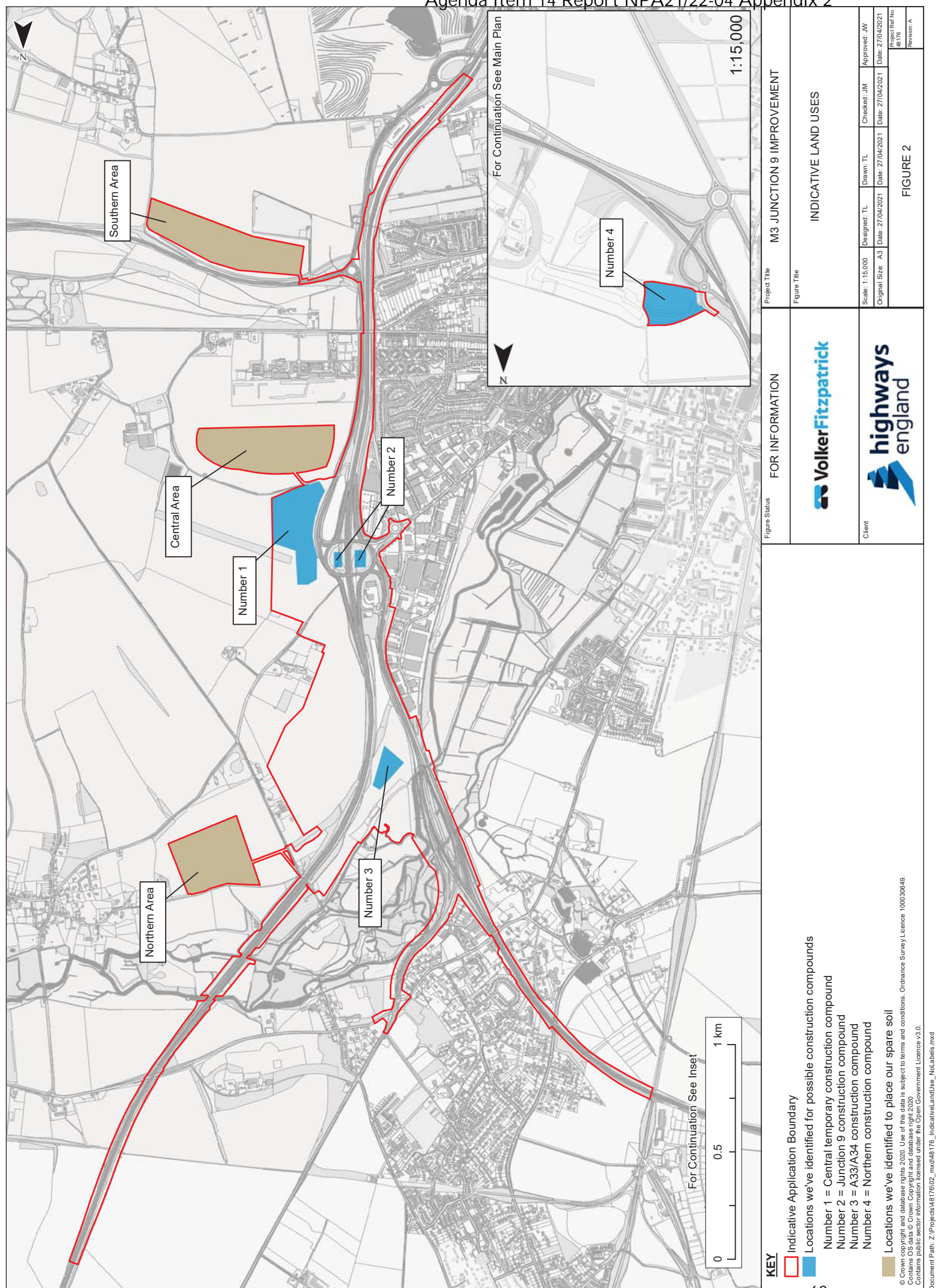
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Figure Title		INDICATIVE GENERAL ARRANGEMENT PLAN	
Scale: 1:7,000	Designed: TL	Drawn: TL	Checked: JM
Original Size: A3	Date: 24/05/2021	Date: 24/05/2021	Date: 24/05/2021
Project Ref No: 48176		Revision A	

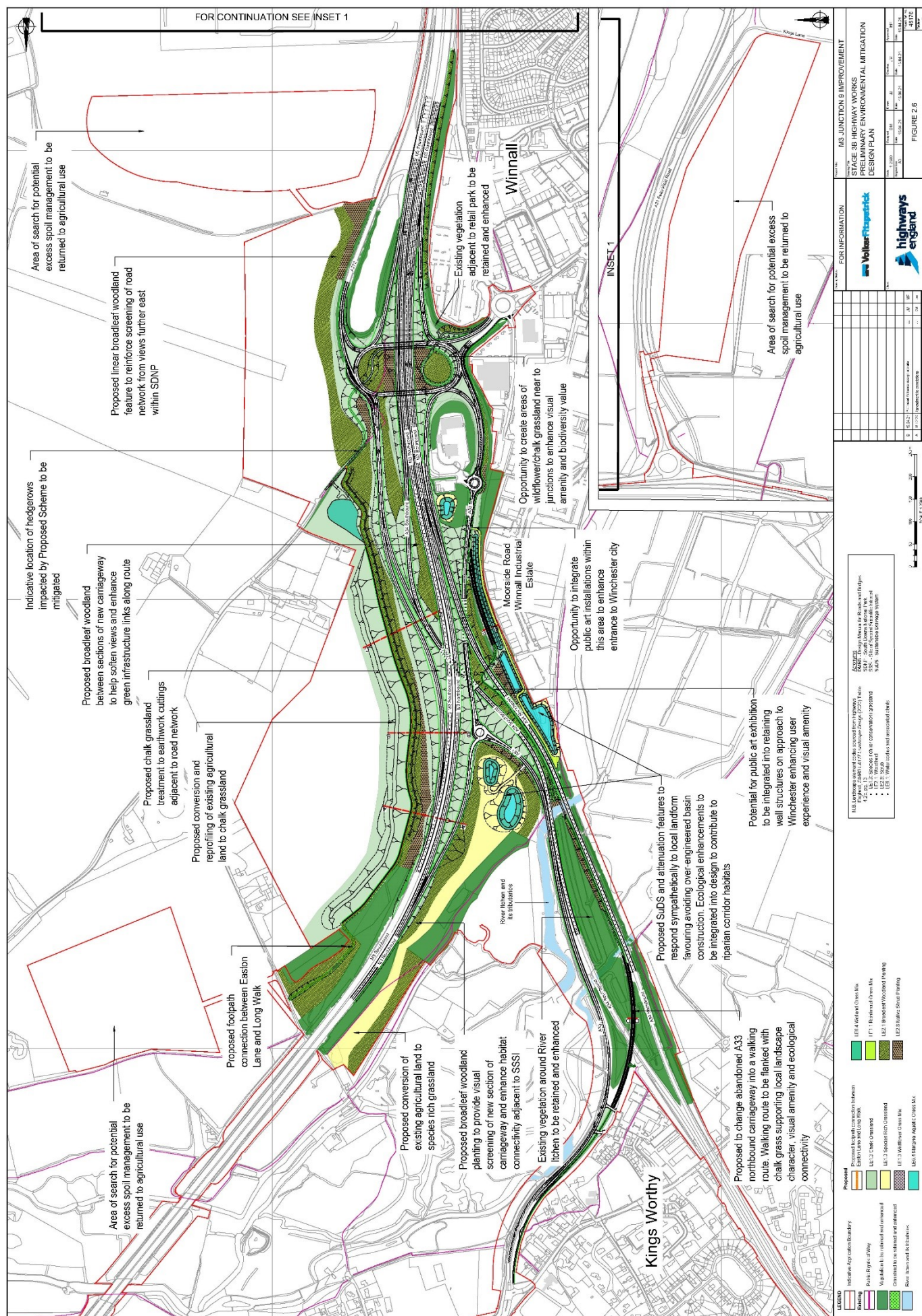
Figure Status	FOR INFORMATION
Client	

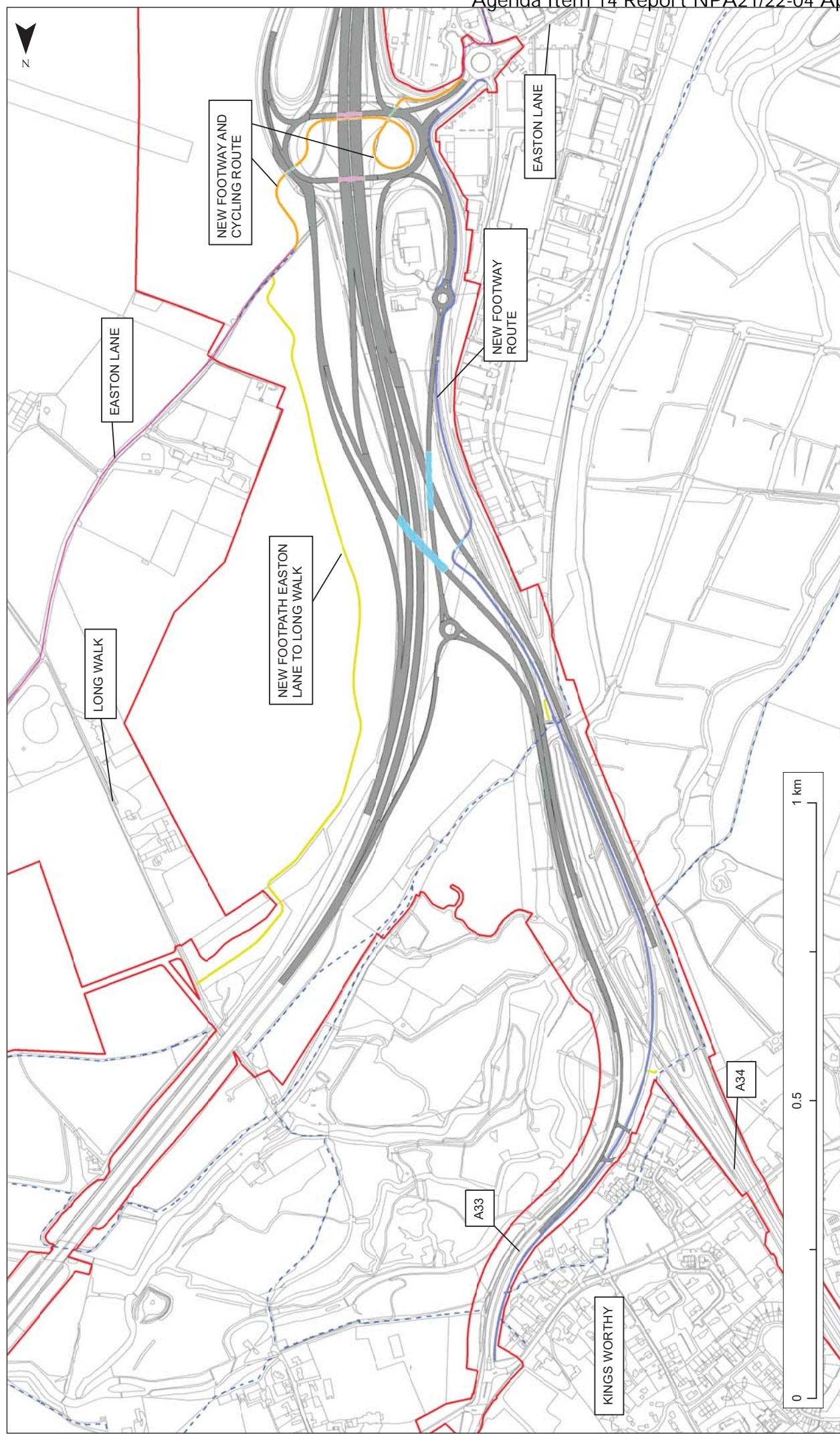
KEY	Indicative Application Boundary
OS Mastermap	Proposed Attenuation Basin Maintenance Track
Bridge Extent Above M3 Alignment	Proposed Footway Route
Underpass / Subway	Proposed Carriageway
Proposed Embankment in Fill	Proposed Chalk/Grass Bund
Proposed Embankment in Cut	Proposed Footway, Cycling and Other User Routes (including future provision)
Proposed Attenuation Basin	Proposed Traffic Island/Central Reserve
Proposed Infiltration Basin	Proposed Verge

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Document Path: Z:\Projects\4817602_mxd\48176_GeneralArrangement_20210330.mxd







KEY

- Indicative Application Boundary
- National Cycle Network (NCN 23)
- Existing Footpath
- New Footway Route
- New Footpath Link
- New Footway and Cycling Route

FOR INFORMATION

VolkerFitzpatrick

highways
england

Client

Project Title M3 JUNCTION 9 IMPROVEMENT

Figure Title EXISTING AND NEW WALKING AND CYCLING ROUTES

Scale: 1:6,000	Designed: TL	Drawn: TL	Checked: JM	Approved: JW
Original Size: A3	Date: 14/05/2021	Date: 14/05/2021	Date: 14/05/2021	Date: 14/05/2021
Project Ref No: 48176				Revision: A

FIGURE 1



Xx July 2021

Ms Anne-Marie Palmer
Project Manager for M3 Junction 9

Sent via email only

Dear Ms Palmer,

**M3 Junction 9 Improvements Scheme
Statutory Consultation – 27 May to 8 July 2021
Section 42(1)(b) of the Planning Act 2008 and Regulation 13 of the Infrastructure
Planning (Environmental Impact Assessment) Regulations 2017**

I am writing on behalf of the South Downs National Park Authority (SDNPA) regarding the above Scheme.

In summary, on the basis of the information available, the SDNPA's current position is to issue a **holding objection** to this proposal. This is based on our overarching comments in this covering letter and more detailed technical comments in the attached **Appendix I**. Disappointingly given discussions and evidence we have provided, this repeats some of the same concerns raised during the previous consultation in 2019. I hope following the consultation more can be done thereafter to respond to the issues raised.

Need for the Scheme

The SDNPA recognises the need for improvements to this strategically important junction. However, and whilst it is noted that the Preliminary Environmental Information Report (PEIR) acknowledges the proposed scheme will have adverse effects on the South Downs National Park (both during the construction and operational phases), the information provided does not adequately assess the impacts on the National Park. This, together with inadequate mitigation measures leaves the SDNPA unable to come to a definitive view on the level of impacts of the Scheme, hence the holding objection.

Major Development

As you are aware this proposal represents '**major development**' within a National Park. The National Policy Statement for National Networks (2014) paragraph 5.150 sets out the high level of protection afforded to National Parks and paragraph 5.151 the assessments necessary to determine the 'exceptional circumstances' in which the public interest may be served by the proposed development. It is required, as part of this test, that any detrimental effects on the environment, landscape and recreational opportunities are assessed as well as the extent to which they could be moderated.

The SDNPA is disappointed that the published consultation material fails to acknowledge the 'major development' test (other than listing out our own Local Plan policy SD3) and how the proposed scheme meets the tests laid down in the National Policy Statement.

We are again concerned that the overall objectives for this Scheme do not specifically include addressing the impacts on the protected landscape (i.e. the South Downs National Park), as referred to in our 2019 consultation response and nor do they provide for the conservation and enhancement of the National Park. This is at odds with the 'Memorandum of Understanding' signed between Highways England and National Parks England in October 2019 (2019 MoU) which states that where a scheme impacts on a National Park there will be an inherent presumption to net enhancement of the wider environment and setting of the National Park rather than just mitigation of the impacts.

Mitigation and Compensation Measures

The current Scheme (and accompanying information) fails to clearly demonstrate the mitigation hierarchy through the evolution of the proposals to show that Highways England have sought to minimise the impact on the National Park (as required under the 2019 MoU) and their duty to have regard to the National Park Purposes and duty.

Overall the Scheme is a missed opportunity to demonstrate how Highways England can help contribute to the Government's commitment to nature recovery (as set out in the Government's 25 year Environment Plan) and the SDNPA's 'People and Nature Network'¹ which specifically identifies the Winchester and Itchen area as a 'natural capital investment area'. Again the published material fails to acknowledge the 2019 MoU which states a key objective is to deliver long term benefits to the environment within the National Park.

In addition, and following the recent announcement by the Government that the Environment Bill will be amended to legislate for biodiversity net gain for new Nationally Significant Infrastructure Projects, it is the SDNPA's view that Highways England should be including within this Scheme proposals to achieve biodiversity net gain.

Therefore, and as set out in our 2019 consultation response, although the SDNPA supports the basic principles of the possible mitigation as set out in the PEIR and accompanying Preliminary Environmental Mitigation Design Plan (Figure 2.6), the published consultation material has limited detail on what the 'embedded mitigation' and 'essential mitigation' actually includes. This effectively makes it impossible to accurately assess the impact of the Scheme and assess the proposal against the National Policy Statement which states high quality environmental standards are required within National Parks (as set out in paragraph 5.153). Therefore, the Authority is issuing a holding objection.

The SDNPA has also reconfirmed four key priorities (each carrying equal weight), in terms of mitigating and compensating the direct impacts of this Scheme on the special qualities of the National Park. It continues to be our view that these should be used as the guiding framework for any Scheme proposal:

- The landscape setting, this includes issues such as land re-profiling, lighting and trees / woodland screening (the landscape setting of this particular area featured prominently in the public inquiry into the designation of the National Park);
- Water (particularly the enjoyment of, quality and quantity impacts on the River Itchen SAC and SSSI and Winnall Moors Nature Reserve);
- Chalk grassland (mitigation or compensation for areas directly impacted by the scheme), and
- Access to the National Park from Winchester for walkers, cyclists and other users (preventing any further severance and improving where possible).

As you are aware, these key priority areas were used to create a joint package of mitigation measures in conjunction with the DEFRA Statutory Agencies and the Hampshire & Isle of Wight Wildlife Trust.

¹ For further information visit [People And Nature Network \(PANN\) - South Downs National Park Authority](#)

These measures were produced at the request of HE to be clear on types of mitigation that would be required, and have been shared a number of times (most recently as part of a 'joint asks' paper signed off by both the SDNPA and Winchester City Council). Therefore, it is again disappointing that no reference has been made to that joint package of measures or how the Scheme specifically addresses them. A copy has been attached again at **Appendix 2**.

Notwithstanding an overall lack of information with regards to mitigation, **Appendix 1** contains details of where the SDNPA considers the mitigation to be inadequate, examples include:

- Re-profiling earthworks – Sections A-A and B-B (on Figures 2.7 and 2.8) show a 'zone of reprofiling earthworks with undulating chalk grass land creating screening of works'. This element appears to be completely artificial on the high flank of the Downland, would interrupt and truncate views to the higher ground to the east, and would not appear to be beneficial as a screening function given their proposed position;
- The location of some of the proposed Chalk Grassland and woodland – the site is located within and on the sides of a river valley. Typically the valley floor is wooded pastoral mosaic floodplain with valley sides more open. This would seem to suggest that the Scheme would be best located within woodland as a strategic approach with refinements and Chalk Grassland reversion to create a second tier of mitigation within the outer / higher elevation areas of the Scheme. However, Section B-B (Figure 2.8) shows that the proposed M3 south slip road and the A34 southbound will be in open Chalk Grassland;
- Loss of trees and woodland – there is no information on the amount of existing trees and woodland which would be lost by the Scheme and no tree survey or a detailed Arboricultural Impact Assessment;
- Adverse impacts on the perceptual qualities of the National Park, such as tranquillity. It is unclear what mitigation is proposed to address these impacts and likely timescales for any proposed mitigation planting. The SDNPA needs to see a substantial planting plan and confirmation of the locations where advanced planting is proposed to help mitigate the significant impacts caused by the construction phase;
- Proposed attenuation ponds – some of the proposed locations for attenuation ponds would appear to be uncharacteristic of the chalk geology and landscape and may require substantial engineering works in their own right;
- Lighting – there is no light assessment, however, the Scheme should demonstrate that there will be no net increase in light spill in the National Park and that any new lighting proposed will comply with the guidance in the Authority's Dark Skies Technical Advice Note (April 2018);
- Excess spoil management - the current proposals for use of excess spoil material is a missed opportunity to deliver mitigation and enhancement measures, for example to support St Catherine's Hill and Magdalen Hill Down;
- New Footpaths – it is proposed that the two largest footway improvements (to both the east and west of the Scheme, as highlighted yellow and blue on Figure 2.9) would be for pedestrians only. This would appear to be in direct conflict with the HE's stated strategic objectives for the Scheme to create a 'more accessible and integrated network', the second statutory purpose of a National Park and other national guidance, including from the Department of Transport, which seeks to promote opportunities for active travel modes.

In addition, it would also contradict HE's assurance to the SDNPA in August 2019 (following the previous consultation and concerns raised about the then proposed new route on the eastern side of the M3) that '*a new walking, cycling and horse riding route is proposed on the eastern side of the M3, between Easton Lane and Long Walk*'.

We would also like to repeat, the Environmental Statement and other information which will accompany the Development Consent Order application needs to set out in detail how the specific mitigation measures will be delivered and secured. If these specific measures are not secured through any Development Consent Order then they cannot be taken into account when assessing the likely significant effects of the proposed Scheme.

Temporary Construction Compounds

We are disappointed that the proposed location for construction compounds and in particular the central construction compound and potential temporary soil treatment area have been moved back inside the National Park, with little information on what consideration, if any, has been given to sites outside of the National Park. Therefore, we re-instate our objection as these construction compounds would be harmful for the appearance of the National Park and could be sited outside of it.

Conclusion

The SDNPA maintains its holding objection to the Scheme as currently presented. However, we will to continue to work with HE to address these issues prior to a Development Consent Order application being submitted in early 2022.

If you have any queries regarding the above please contact Kelly Porter, Major Projects Lead, on 01730 819314 or kelly.porter@southdowns.gov.uk

Yours sincerely

Tim Slaney
Director of Planning
South Downs National Park Authority

South Downs Centre, North Street,
Midhurst, West Sussex, GU29 9DH

T: 01730 814810
E: info@southdowns.gov.uk
www.southdowns.gov.uk

Chief Executive: Trevor Beattie

Introduction

The following detailed comments are structured around the SDNPA's four key priorities (as identified in the covering letter) and where relevant cross references the published consultation material.

The SDNPA expects the issues set out below to be addressed and the SDNPA afforded the opportunity to comment before the Development Consent Order (DCO) application is submitted.

1. Landscape Setting

Landscape Strategy

Design Manual for Roads and Bridges (DMRB) LA117 Landscape Design Standards for Highways (2019), sets out in Point 2.4 (Section 2 Principles and Purpose) 'A project's design strategy shall establish a landscape strategy (design vision) and/or a set of defined landscape objectives for the project early on in the development of motorway and all-purpose trunk road projects as an **essential** part of the design process' (our emphasis).

A landscape strategy has not been included in the PEIR and although a range of measures have been referred to, there is no overall project objective which refers to protecting and enhancing a nationally designated landscape (which benefits from the highest levels of protection) and it is unclear what mitigation measures are proposed.

Landscape Sensitivity

The SDNPA welcomes the recognition at 7.7.9 of the PEIR that the National Park will be treated as having very high sensitivity and that as set out in Table 7-2, landscape receptors will be considered of high value depending upon location relative to the National Park. However, this approach appears to be inconsistent with other landscape receptors which are generally components of the National Park and have been given a high (not very high) level of sensitivity, for example topography.

The Authority would suggest that a consistent approach is taken and 'very high' sensitivity is the norm where landscape components are part of the National Park. This would correctly represent the worst case scenario and provide a consistent approach towards the National Park within the assessment.

Topography

As highlighted in the concerns above about landscape sensitivity, it is considered that the topography baseline is poorly described and this failing has implications for the design and mitigation sections of the Landscape Chapter in the PEIR and future Environmental Statement to support the DCO. In addition, this issue emphasises the concerns raised (in the covering letter) about the major development test and the lack of a project objective to protect and enhance a nationally designated landscape.

The existing topography of the site and the study area is bold and dramatic and there are significant geophysical features. The topography then has a marked effect on land use patterns, circulation and transport routes, settlement patterns, biodiversity, heritage and hydrology and visibility.

For example, the topography is formed by chalk which is a distinctive geology and presents particular issues for cuttings and embankments. The chalk Downland, cut through by the River Itchen (which has formed its floodplain along the valley floor), Winchester City rising up the western valley side with largely arable Downland to the east (rising to 100m within the study area) and with the existing M3 passing along the lower part of the eastern valley side. The valley context coupled with rising Downland to east and west together with the nature of the proposals makes topography a very highly sensitive receptor.

The Authority considers that whilst the PEIR acknowledges the National Park as a high sensitive receptor, the topography has not been understood or used to help shape the Scheme and the proposed mitigation measures. Examples of this lack of understanding are set out below.

The site is within and on the side of a river valley, the valley floor is typically a wooded pastoral mosaic floodplain, with the valley sides more open and intensively arable farmed, some pasture and woodland further east. This would suggest that the Scheme would be best located within woodland as a strategic approach with refinements and Chalk Grassland reversion to create a second tier of mitigation within the outer / higher elevation areas of the Scheme. However, Section B-B (Figure 2.8) shows that the proposed M3 south slip road and the A34 southbound will in fact be in open Chalk Grassland.

The use of Chalk Grassland within the lower embankments and inter-structural parts of the Scheme is questioned. These areas will be difficult to maintain properly as Chalk Grassland (for example due to the sloped angles and issues with access for long term maintenance) and it is considered that these elements will not provide any screening or noise reduction benefits and will not mitigate for the loss of the existing highway vegetation.

Sections A-A and B-B (on figures 2.7 and 2.8) show an area called '*zone of reprofiling earthworks with undulating chalk grass land creating screening of works*'. This element appears to be completely artificial on the high flank of the Downland and would interrupt and truncate views to the higher ground to the east. The SDNPA would question whether this is actually a suitable location for surplus spoil and the proposed screening function of these works would not appear to be beneficial to receptors to the east (in the short or long term) due to their elevation and distance.

Viewpoints

The SDNPA welcomes the clarification set out in Table 7-1. However, and as set out in previous correspondence to HE in February 2021, the Authority would like further clarification on the following:

- In relation to our suggested viewpoints C, D, F, G and K, it would be very helpful if HE could overlay the viewpoints on the ZTV image as it would appear that viewpoints C, D, F and K would be visible, and;
- The position of Viewpoint 10 has not moved since the Scoping Opinion Report (albeit it is acknowledged that at the Scoping Opinion Report stage there were two locations marked '10' on the plan and now there is only one). As highlighted in the Authority response to the Scoping Opinion Report, Whiteshute Lane is also an area of Open Access Land and there are open elevated views from this publicly accessible location. Therefore the Authority suggested, and continues to suggest, that the viewpoint should be moved to the open Downland to ensure it reflected an appropriate worst case scenario.

Trees / Woodland / Vegetation

We welcome the intention that a UK Forestry Standard (UKFS) compliant woodland management plan will be integrated as part of any Outline Landscape and Ecological Management Plan.

However, the published information does not adequately disclose the amount of existing trees and woodland which will be impacted by the Scheme. There are various references through the document to 'retained where reasonably practical', that a tree survey has been undertaken, that the Scheme could potentially include advanced planting and that opportunities for landscape enhancement or improvement through the management of any retained areas will also be explored.

As per our 2019 consultation response, the SDNPA has not seen a tree survey nor a detailed Arboricultural Impact Assessment. Without this information, the SDNPA is unable to provide comprehensive comments on all the likely significant impacts and mitigation and compensation

measures which will be required, and has no option to conclude other than that the impact on trees would be substantial and harmful.

The SDNPA would expect advanced mitigation in the form of planting to screen views of the construction works and that any advanced mitigation also be designed to improve habitat connectivity.

Although no ancient woodland has been identified within the application boundary, and as acknowledged in the PEIR, woodland under 2 ha may not appear on the Ancient Woodland Inventory but may still have ancient woodland characteristics. The SDNPA would like to see any surveys have been undertaken. Consideration also needs to be given to increasing and enhancing the connectivity of woodlands and hedgerows and these should be clearly stated as part of any mitigation and enhancement measures.

We note the acknowledgement within the PEIR, that the Scheme will have adverse effects on the perceptual qualities of the National Park, such as tranquillity. However, it is unclear what mitigation measures are proposed to address this issue and we are concerned about the likely timescales before the proposed planting referred to the PEIR has matured to provide sufficient mitigation. Therefore, the SDNPA would expect to see the DCO application accompanied with a substantial planting plan and in certain locations advanced planting to help mitigate the significant impacts caused by the construction phase.

As set out in our 2019 consultation response, any assessment of the Scheme also needs to acknowledge and consider the multiple benefits provided by the current landscape characteristics and how the Scheme impacts upon those multiple benefits.

Boundary of Scheme

The SDNPA welcomes the expansion of the 'Indicative Application Boundary' (IAB) since 2019 to include land for potential mitigation and enhancement measures. However, we do have some concerns with the extent of the IAB in relation to areas for potential excess spoil management. This is because in these areas, spoil will need to be graded to tie in with existing contours and will require sufficient room to achieve this effectively. Currently the red line of the IAB has straight edges which cut across contours and this may not be conducive to achieving this aim.

In addition, the lack detailed information on the proposed landforms (for example, references are made to the spoil being a height of up to 4m) it is not possible to comment, therefore a holding objection is raised.

Please also see our additional comment on the proposed excess spoil areas in the Chalk Grassland section below.

Site Compounds

As highlighted in the covering letter, the SDNPA objects to the proposed locations of the site compounds within the National Park.

Of significant concern, is the proposed location for the central compound and soil treatment area (as shown as Number 1 on Figure 2). It is unclear what process has been gone through to establish why this is the preferred location (when it was removed from the previous proposal) and whether it has been included in the initial landscape impact assessment work (for example it is unclear if it has been included in the ZTV in Figure 7.8).

The proposed location for the central compound is high on the valley side and whilst screened from the 'Spitfire Link' and to the west by the existing highway woodland belt, it would be highly visible from the National Park in closer views.

The SDNPA considers that a compound in this location would be an unacceptable incursion beyond the existing highway into open landscape of the National Park beyond the valley side and it would have detrimental effects on Easton Lane (the main NMU connection from Winnall). In addition, it is considered that there may be conflict with the existing site entrance and entrance to the existing Highway Depot which could result in the entrance to the proposed compound being relocated for safety reasons, resulting in further tree and hedgerow loss.

Proposed SuDs and Attenuation Ponds

As highlighted in our 2019 response, whilst the principle of SuDs and attenuation ponds is supported (and can provide multiple benefits) the SDNPA has significant concerns if they are to be located in sensitive areas (for example due to topography or habitat sensitivities) and if the form and locations are uncharacteristic of chalk geology and landscape. For example, the location of the proposed attenuation basin close to the River Itchen SAC / SSSI and the basins shown on the eastern side of the Scheme (shaded blue on Figure 2)

Biodiversity / Habitat Connectivity

As set out in the covering letter, following the recent announced by Government that the Environment Bill is to be amended to extend the requirements of biodiversity net gain to include Nationally Significant Infrastructure Projects, this Scheme should clearly demonstrate how it could achieve that requirement. Other specific comments relating to biodiversity are set out below.

In Table 8.5 of the PEIR the SDNPA would question the rationale for determining the importance of some species given their legal status. For example, the table refers to the fact that ‘*Dormouse are present within suitable woodland scrub and hedgerow habitat within the IAB and adjacent habitats. Whilst dormouse are distributed across southern England, they live at low densities and are becoming increasingly scarce due to habitat fragmentation. They are listed as common in Hampshire (PTES, 2013) and so would not meet the threshold for ‘county’ importance, but their general scarcity makes them of importance at the local level.*’ Dormice are a European protected species and protected under the Wildlife and Countryside Act 1981. The SDNPA considers that the fact that they are a species in decline means that the presence of a healthy population is of far greater than local importance. Another example is that Badgers are listed as only locally important.

On the issue of habitat connectivity, whilst chalk grassland verges and species poor hedgerows may have low value they often contribute to connectivity. Habitat corridors and connectivity is an area that is not covered within the PEIR, where cumulative impacts rather than individual habitat impacts should be given more weight.

In addition, the current Scheme is a missed opportunity to provide habitat connectivity / enhancements (and biodiversity net gain) through the design and materials proposed for the many bridges and other structures within the scheme. For example, it is noted that the Kingsworthy Bridge will need to be ‘reconfigured’, there is an opportunity to use green wall cladding, as demonstrated by the Millbrook Roundabout in Southampton (referred to as the Living Wall at Millbrook), to demonstrate mitigation and improvements for biodiversity and provide as many opportunities as possible to connect up habitats across the whole Scheme.

Cultural Heritage

We welcome the amendments / clarifications provided in the PEIR following on-going discussions with SDNPA (such as those set out in 6.3.7).

With regards to the statement at 6.6.15, we would like see some acknowledgement that waterlogged archaeological remains includes the potential for levels of preservation specific to materials that comprise rare findings in the archaeological record (such as textiles).

For the proposed mitigation and enhancement measures (set out in section 6.7 of the PEIR) the SDNPA stress that appropriate time must be allocated to proposed archaeological mitigation activities.

In terms of the palaeoenvironmental remains (referred to in 6.7.2 of the PEIR), the SDNPA would expect to see the mitigation measures to include the use of a recognised palaeoenvironmental specialist (i.e. someone with recognised experience of the palaeoenvironmental potential within the South Downs).

With regards to 6.7.3 - 6.7.4 of the PEIR, any assessment also needs to acknowledge that mitigation is effectively preservation by record, which is in itself a destructive process and mitigation through design includes preservation in situ.

The SDNPA would also like to repeat that any archaeological mitigation both identifies enhancement opportunities in relation to archaeological sites, interpretation and research, and in turn revisits the archaeological findings from the original road construction and subsequent development of the M3 to ensure advancement of knowledge and understanding draws on previous research, finds and archives.

Lighting

We welcome the acknowledgment within the PEIR of the South Downs International Dark Skies Reserve and references to no lighting on the junction and slip roads. However, in the absence of a Lighting Assessment the SDNPA cannot comment in detail on the lighting impacts of the proposal.

As set out in our 2019 consultation response, the Authority would look for this proposal to take the opportunity to enhance dark night skies in the National Park by reducing light spill and, at the very least, to result in no net increase in light spill in the National Park.

The SDNPA would also expect to see any new lighting comply with the lighting guidance in the Authority's Dark Skies Technical Advice Note (April 2018). Such a requirement has been secured on other NSIPs in the National Park.

Climate Change

As per our 2019 consultation response, whilst the focus on climate change mitigation in terms of impacts from CHG emissions is welcomed, it is the SDNPA's view that there is scope for the Scheme to make a positive contribution to landscape scale adaptation responses to climate change and it is disappointing that even at this stage, the PEIR makes no reference to this and how the Scheme could provide mitigation and enhancement measures to help tackle climate change (for example selecting plant species for water capture or to help with air quality).

2. Water

In terms of impacts to water, the SDNPA's concerns relate to the protection of groundwater and the potential for increased pollutants and the proposed mitigation measures in the form of SuDs and attenuation ponds. The concerns about the form of the mitigation measures are set out in the Landscape Setting section above. The comments below relate to water quality issues.

Of principal concern is the siting of the works on Source Protection Zone I for groundwater and the potential for operational discharges to soakaways. Ideally, future drainage schemes should not be direct to a soakaway without additional interventions.

Also of concern is the protection and enhancement of the ecological balance and species within the River Itchen and surrounding areas (including biodiversity net gain). The River Itchen has a number of specific designations and is one of our best examples of a lowland chalk river.

There are major risks of contamination of the River Itchen during construction and operation of the scheme, as the only river in the National Park that has good 'Water Framework Directive' (WFD) status, all necessary measures, should be put in place to avoid any pollution incidents or impact on the chemical composition of the river water.

Whilst we acknowledge that the PEIR recognises these important issues, and we welcome the references to SuDs and their design being developed in consultation with the project ecologist, without the detailed information which is referred to being contained in the Surface Water Drainage Strategy (and other information) the SDNPA cannot assess whether the overall effects (including mitigation) on water quality will be 'neutral' as asserted in the PEIR.

We also welcome the acknowledgement within the PEIR that the River Itchen discharges directly to further, coastal European sites (the Solent and Dorset Coast SPA and Solent and Southampton Water SPA/Ramsar site) and the issue of 'Nitrate Neutrality' has not been scoped out of the assessments.

However, we are disappointed that Scheme does not propose mitigation or enhancement measures to address this issue. For example, during the operational phase, the Scheme could have a significant positive benefit taking land out of agricultural use and converting it to a use (for mitigation) that does not artificially increase the nitrogen load of the land and / or creating wetland environments that act as a nitrogen sink and remove nitrogen from the river (a catchment management solution).

3. Chalk Grassland

The SDNPA welcomes the principle of proposed Chalk Grassland as a form of mitigation for the Scheme, and we would welcome Chalk Grassland creation on current scrub land (such as parts of St Catherine's Hill) and the arable land (east of the M3).

However, and as highlighted in comments earlier, the SDNPA would question the proposed the location of some of the Chalk Grassland and is seeking assurances that the long term management of the Chalk Grassland has been 'designed in' from the start as this type of habitat is 'man made' and will quickly scrub over unless it is cut or grazed regularly.

The proposed areas of Chalk Grassland need to be designed with good management in mind, in terms of access, degree of slope, and if grazing is proposed, water supply and fencing into suitable grazing cells. The SDNPA is concerned that failure to address these issues now will affect the viability of the mitigation proposals.

Geology and Soils

As set out in our 2019 consultation response, whilst it is noted that the PEIR makes reference to a search for designated 'Regionally Important Geological Sites' (RIGS) and none being found within the area, in the SDNPA's experience this does not mean that there are no features of significance in that area. At the present time, the SDNPA would advise that there is a shortfall in the identification and designation of significant Geological and Geomorphological sites and features, which means there is risk they could be missed entirely.

The SDNPA would suggest that a scheme of investigation be established alongside the site works, similar to the approach taken for archaeological investigations. This would be especially desirable in relation to any work on cutting or the exposure of new chalk faces. This scheme of investigation could include arranging a walk-over by a geologist to ensure that adequate opportunity is given to research and document existing stratigraphy or any important features that may exist before they are lost. As with the archaeological strategy, if agreed, this could be added to a future Statement of Common Ground.

Excess spoil management

The SDNPA is concerned that the current proposals for use of excess spoil material is a missed opportunity to deliver mitigation and enhancement measures. There is a real opportunity to provide multiple benefits by using the chalk deposition to create species rich grassland rather than just returning it to agricultural use (as stated in Figure 2.6).

For example, the southern area proposed for excess soil management (shown on Figure 2), is just downhill of Magdalen Hill Down, the Hampshire and Isle of Wight Butterfly Conservation's flagship site in Hampshire (which fulfils the National Park's first Purpose) as well as being directly adjacent to the South Downs Way (which fulfils the National Park's second Purpose). Creating rich grassland in this area could deliver multiple benefits, including helping to provide habitat connectivity, possible biodiversity net gain and could help to address the issue of 'Nitrate Neutrality' (by taking agricultural land out of use).

In addition, and as already set out in the information provided to HE to date, excess spoil could also be used at St Catherine's Hill (identified as areas 6 and 9 in the joint package of mitigation measures in conjunction with the DEFRA Statutory Agencies and the Hampshire & Isle of Wight Wildlife Trust) to deliver the restoration of Chalk Grassland in this important area.

The SDNPA would again strongly encourage the HE to hold discussions with the Hampshire and Isle of Wight Wildlife Trust about exploring this option further.

4. Access to and from the National Park

Walking, Cycling and Horse-riding Facilities

Paragraph 2.4.27 of the PEIR refers to 'existing provision for horse-riders will be improved with a widened 3m route, which includes mounting block...and....future provision for horse-riders is allowed for (beyond the existing cessation point within the roundabout) by providing a wider bridge over the M3 for a 3m width route'. The SDNPA considers that a 3m wide route is insufficient to accommodate a horse and rider side by side particularly where there will be vertical infrastructure adjacent such as subway walls or bridge parapets.

The SDNPA expects a 5 metre wide route as this would be in line with current standards for bridleway provision (in accordance with guidance from DMRB, Interim Advice Note 195/16 – Cycle, Traffic and the Strategic Road Network and the British Horse Society).

As highlighted in the covering letter, the SDNPA is very disappointed that the proposed footway improvements are intended for walkers only (as referred to 2.4.28 – 2.4.31 in the PEIR).

Earlier iterations of the Scheme indicated that the route on the western side would be a walking and cycling route and Highways England gave assurances to the SDNPA in 2019, that 'a new walking, cycling and horse riding route is proposed on the eastern side of the M3, between Easton Lane and Long Walk'.

Given that the intention on the western side is to utilise the abandoned carriageways and the route on the eastern is a new route to be constructed, the SDNPA can see no reason why the routes could not be for all users as there would be sufficient width to provide path fit for all to use.

In addition, a shared use path (particularly on the western side) is more likely to generate greater uptake of sustainable modes of travel by people currently using vehicles for short utility journeys. The increased uptake of E-bikes, for example, means that more shorter journeys could become car free if the infrastructure was provided.

Therefore, the SDNPA objects to the Scheme (and does not agree with the statement set out in 12.9.36 of the PEIR) due to its currently inadequate provision for walkers, cyclists and horse-riders

and its inconsistency with current national policy which seeks to ensure transport schemes support increased uptake of active travel modes (for example the Department of Transport publication 'Gear Change: A bold vision for Cycling and Walking and LTN1/20 Cycle Infrastructure Design').

As the Scheme design progresses, the SDNPA will also expect that views from any proposed new path on the eastern side of the Scheme (from Winnall Down) will be considered i.e. viewing locations are designed in where the topography aids views along / over the valley but the (lower level) roads can be screened out.

The SDNPA does welcome the intention to explore other improvements to the PROW network (as set out in 12.7.65 of the PEIR). However, it is disappointing that given the discussions to date and the creation of the joint package of mitigation measures referred to in the covering letter, that those improvements are not identified at this stage.

In relation to 12.9.27 of the PEIR, we would also welcome further clarity about proposed measures for mobility impaired users. For example, further information is needed about the proposed gradients along the length of the route(s) and particularly around the access to subways.

In relation to 12.9.28 of the PEIR, the SDNPA would expect to see any upgrade to facilities to accommodate sufficient headroom so that horse riders do not need to dismount at any point and also sufficient width for two way walking/cycling/equestrian traffic is provided. This is particularly relevant where vertical objects are adjacent to the path such as walls / fencing / parapets as these effectively reduce the usable width (as set out in LTN1/20 Cycle Infrastructure Design).

In addition, the SDNPA would like confirmation that links to the Itchen Valley Way and St Swithuns Way from the new proposed footpath bridges over the Itchen channels will be provided, as between them these new bridges would create a circular route around the Winnall Moors Nature Reserve without affecting access to the Reserve itself.

Population and Health

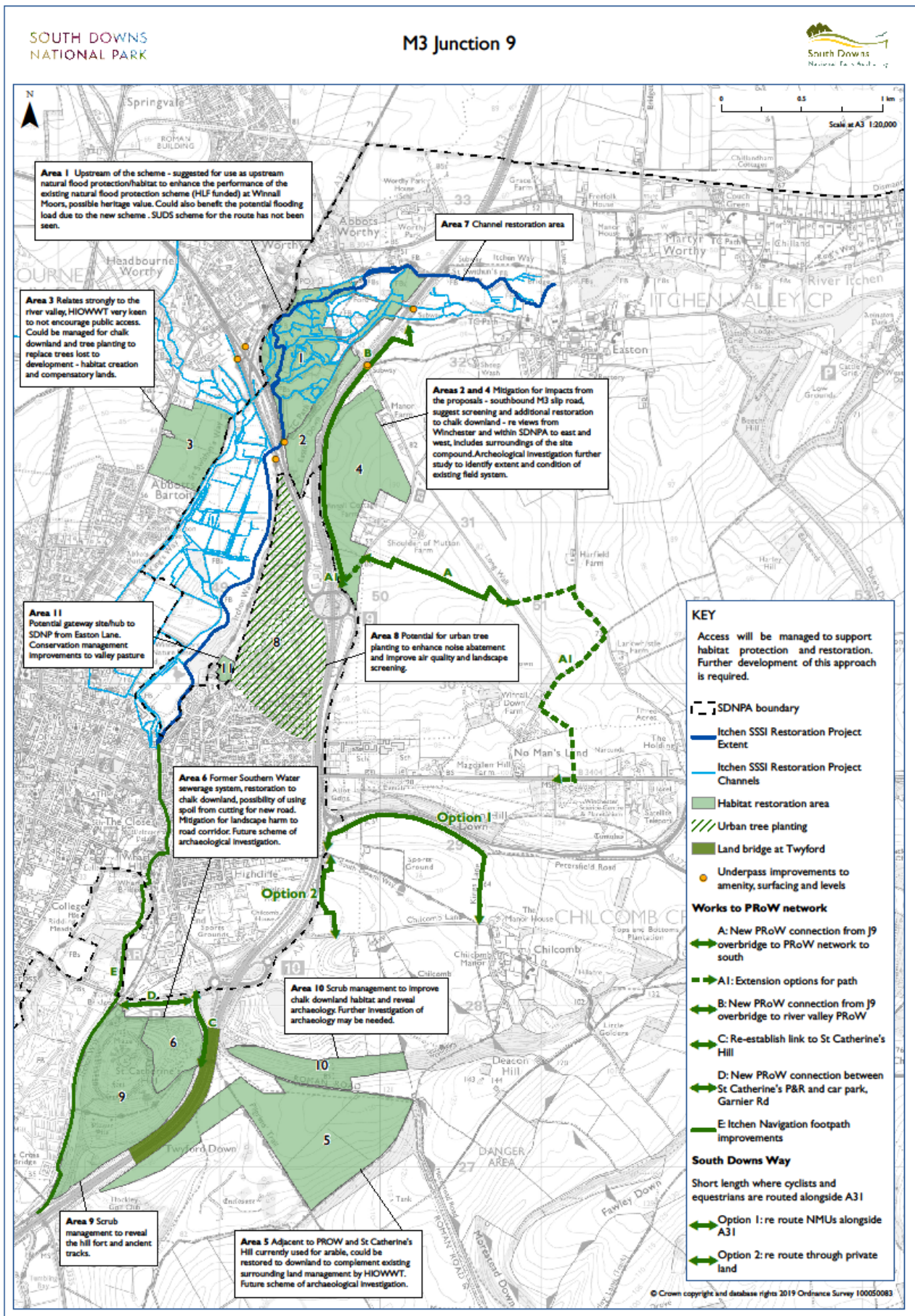
Table 12-5 of the PEIR does not acknowledge the SDNPA's comments on the Scoping Opinion Request. The SDNPA would encourage that any assessment on health and population includes, where possible, the impact of COVID-19. For example, the need to address health implications of COVID-19, and our changing relationship with green space (and needs around access to green space) as part of COVID-19 recovery for communities.

Transport

Whilst the SDNPA is not the Local Highway Authority, and no detailed traffic modelling information has been made available, we would like to understand if the traffic modelling has / will take into account future (potential) changing work patterns as a result of the COVID-19 pandemic. For example, is there any impact on the baseline assumptions around vehicle numbers and use, as well as potential peak time scenarios?

Linked to transport and 'cumulative effects' with the M3 Junction 9 to 14 upgrade works, the SDNPA would like to understand with the recent Government announcement that motorway upgrade works will have increased requirements for radar based stopped vehicle detection (SVD) on motorways, will there be a need for additional gantries to carry these radar units and how have / are they being taking into consideration for the M3 Junction 9 proposals?

Joint package of mitigation measures in conjunction with the DEFRA Statutory Agencies and the Hampshire & Isle of Wight Wildlife Trust



Proposed Response