

Report to	Planning Committee
Date	08 June 2023
By	Director of Planning
Title of Report	Written Representation to National Highway's application for 'Development Consent' for the M3 Junction 9 Improvement Scheme
Purpose of Report	To seek comments on the Authority's Written Representation for the M3 Junction 9 Improvement Scheme

Decision

Recommendation: The Committee is recommended to:

- 1. Consider and provide comments on the proposed Written Representation, set out in Appendix I, to be taken into account by the Chief Executive when submitting the Authority's Written Representation to the Planning Inspectorate (acting on the Authority's behalf in accordance with Standing Order 18.3) and**
 - 2. Note the contents of the Local Impact Report to be submitted to the Planning Inspectorate as set out in Appendix 2.**
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Executive Summary

- National Highways have submitted a 'Development Consent Order' (DCO) for the M3 Junction 9 Improvement Scheme. The DCO will be formally examined under the 'Nationally Significant Infrastructure Project' (NSIP) process, managed by the Planning Inspectorate on behalf of the Secretary of State.
- As part of that formal process the South Downs National Park Authority (SDNPA), as a 'relevant Local Authority', is invited to submit a 'Local Impact Report' (setting out the positive, negative and neutral impacts of the proposal) and 'Written Representation' (setting out any objections, concerns or matters of support).
- Approximately 62% of application boundary for this proposed scheme falls within the National Park, the majority of the remaining development area is within the setting of the National Park. Of the approximate 68 hectares of land within the National Park, approximately 32 hectares would be permanent land take for the highways works and an additional 33 hectares would be temporarily taken during the construction period.
- In summary, the proposal requires land from within the National Park:
 - to construct new roads / links and associated drainage and other works,
 - provide a site for the temporary construction compound, and
 - provide land for various proposed mitigation measures.

- In line with previous consultations responses on the M3 Junction 9 Improvement Scheme approved by the Authority, it is recommended that the SDNPA object to the DCO. This objection is set out in more detail within the Written Representation (see Appendix 1).
- The SDNPA's response (the Local Impact Report and Written Representation) have to be submitted to the Planning Inspectorate by 15 June 2023 and the specific examination hearings are currently due to take place in July and August 2023.

I. Background

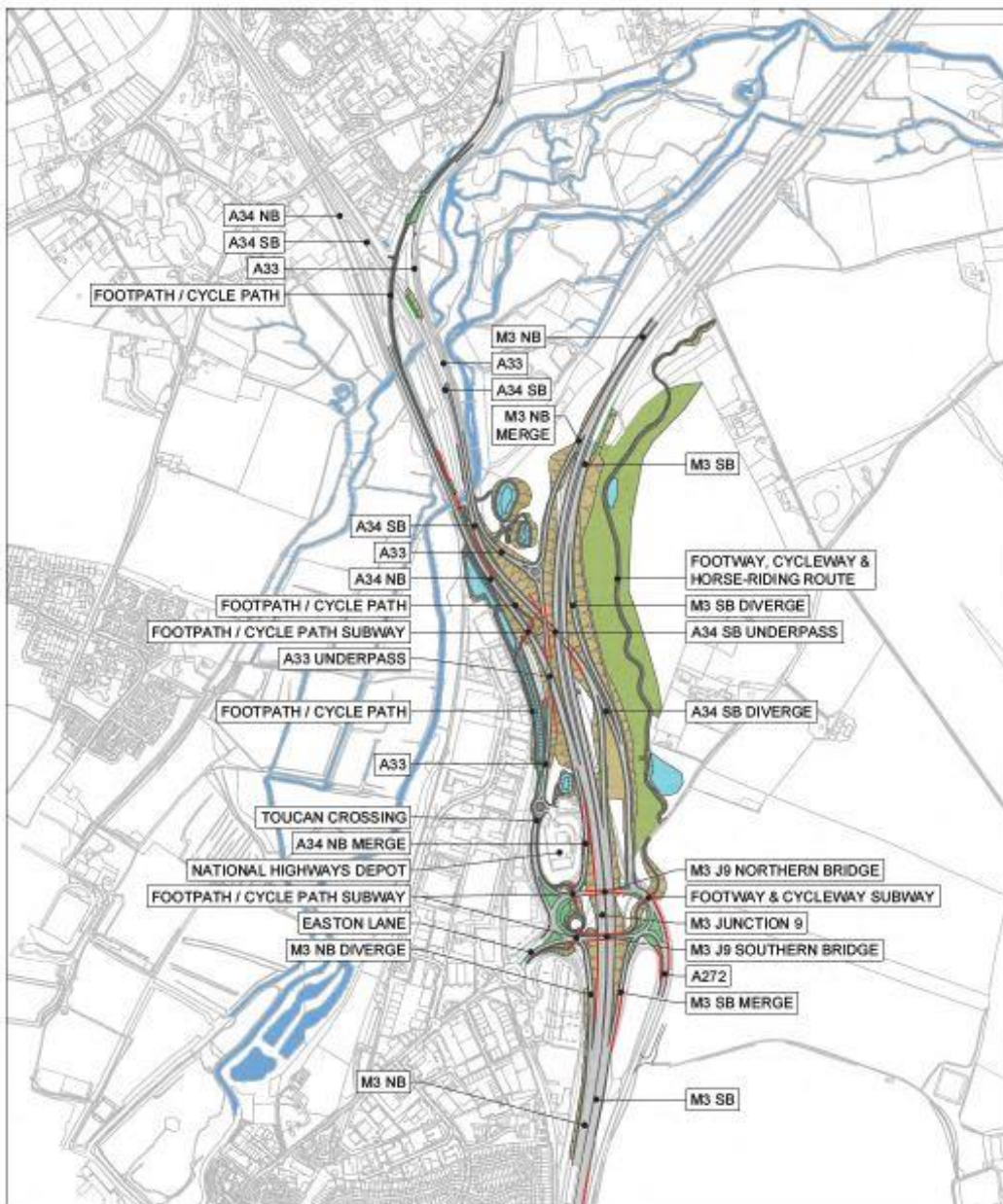
- I.1 National Highways have submitted a Development Consent Order (DCO) for the proposed M3 Junction 9 Improvement Scheme to the Planning Inspectorate for consideration (on behalf of the Secretary of State) under the 'Nationally Significant Infrastructure Project' (NSIP) process. The Authority (as the Local Planning Authority for approximately 68 hectares of the proposed application boundary area) has been invited to submit a 'Local Impact Report' and a 'Written Representation' on our views of the proposal and to take part in the examination hearings.
- I.2 A 'Local Impact Report' (LIR, as defined in s60(3) of the Planning Act 2008), here to note, is a technical report prepared under delegated authority. The main purpose of the LIR is to make the Examining Authority aware of the Local Plan policies and other material considerations relevant to the proposed development and the extent to which the proposed development accords, or does not accord, with those policies. This report does this under topic-based headings addressing the impacts of the scheme, identifying key issues followed by providing a commentary on the extent to which the proposed Development Consent Order (DCO) addresses these issues. The LIR should be proportionate and not replicate the information provided within the DCO application documents and should not set out any opposition (or not) to the proposed scheme. If an Authority wants to oppose a scheme, this has to be set out in the 'Written Representation'.
- I.3 The 'Written Representation' is the document in which the Authority sets out its views on the application and whether or not it supports the application (including reasons). Cross references to the LIR are encouraged to assist in keeping any submission as concise as possible.

The Development Scheme

- I.4 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. National Highways stated purpose of the project is to reduce congestion and improve journey times, reduce queuing traffic and delays and support economic growth by improving the road capacity.
- I.5 This is a complex proposal, however, in summary the proposal requires land from within the National Park to construct new roads / links and associated drainage and other works, provide a site for the temporary construction compound and provide land for various proposed mitigation measures.
- I.6 The detailed proposed highway changes are set out below (and as shown on the Plan in Figure 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 (split) from the M3 to form a new A34 northbound link, while the remaining two lanes would continue north as the M3;
 - After the split, the A34 would continue north, passing over the proposed realigned A33 with M3 northbound on-slip and then descending to tie into the existing A34 northbound carriageway (with a speed limit of 50 mph) before it crosses the River Itchen;
 - The existing northbound A34 diverge link towards the A33 would be abandoned and part of the abandoned carriageway would be utilised for a new walking and cycling route and drainage storage areas;

- North of the existing River Itchen crossing, the A33 diverge would be removed to leave the two lanes of the A34 to run continuously;
- The A34 southbound link (with a speed limit of 50 mph) would leave the existing A34 alignment after it crosses the River Itchen, moving to the east where it would then pass under the M3 and proposed A33 alignment in an underpass with cuttings;
- Beyond the proposed M3 and A33 underpass, an off slip would be provided (off the A34 southbound link road) connecting to the revised Junction 9 gyratory roundabout. The A34 southbound link road would continue to join the M3 southbound carriageway (with a speed limit of 70 mph) and pass under the revised Junction 9 gyratory roundabout layout;
- The Junction 9 gyratory roundabout would be replaced with a smaller unsignalised roundabout. All link roads that access the roundabout would be realigned to the new layout. A segregated left turn lane is to be provided from Easton Lane to the A33 northbound to improve junction capacity. Two new longer span gyratory bridges would replace the existing bridges to provide the road corridor width required for the new configuration;
- The existing M3 northbound on-slip would be realigned to become the A34 northbound on-slip, merging downstream with two A34 northbound lanes that diverge from the M3. The existing A34 link connecting to the existing roundabout would be converted to a two-way road connecting to the A33, linking the reconfigured roundabout to a new roundabout providing access to the National Highways maintenance depot. Beyond the depot roundabout, the carriageway would continue with a dedicated M3 northbound on-slip road accessed off a new roundabout (north of the A34 underpass approach) and with a continuation of the A33 leading northbound towards Basingstoke;
- The existing M3 southbound off-slip would be removed and replaced with a new off-slip (located approximately 600 metres to the north of the existing). The new southbound M3 off-slip would then merge with the new A34 southbound diverge connector road, which then proceeds along a new link to the Junction 9 gyratory roundabout to maintain local access, and
- The two south-facing slip roads would be realigned to connect the new roundabout. Both would merge (southbound) and diverge (northbound) directly to the existing M3.

Figure 1 – Overview of the proposed scheme (extract from National Highways’ submitted Design and Access Statement – Figure 6.1)



- 1.7 The proposed mitigation measures include (as illustrated on Plan in Figure 1):
- 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 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 combined footpath and cycle 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 for motorised vehicles. 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 3m wide bridleway on the eastern side of the Scheme to link Easton Lane with Long Walk.

1.8 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 on this scheme. Officers still consider these parameters to be appropriate:

- 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. Issues for consideration

- 2.1 Members are asked to consider and provide comments on the Written Representation to the DCO application (as set out in Appendix I) which in summary is an objection to the proposed scheme due to the significant adverse harm the proposal would cause to the South Downs National Park, contrary to the statutory purpose to conserve and enhance the National Park.
- 2.2 The current proposal fails to clearly demonstrate the mitigation hierarchy to show that National Highways have sought to minimise the impact on the National Park and their statutory duty to have regard to the National Park Purposes and duty.
- 2.3 In addition, the proposal is a missed opportunity to demonstrate how National Highways 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' which specifically identifies the Winchester and Itchen area as a 'natural capital investment area'. The application currently fails to deliver sufficient long-term benefits to the environment within the National Park to offset the harm the scheme will cause.

3. Next Steps

- 3.1 Members to consider the Written Representation (as set out in Appendix I) and if necessary provide any comments or amendments which will then be taken into account when the Chief Executive submits the Authority's Written Representation to the Planning Inspectorate (acting on the Authority's behalf in accordance with Standing Order 18.3). Members are also asked to note the contents of the Local Impact Report (as set out in Appendix 2) and that both the Written Representation and Local Impact Report have to be submitted to the Planning Inspectorate by 15 June 2023.

4. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	<p>Yes - Urgent Action taken by the Chief Executive in accordance with Standing Order 18.3.</p> <p>The Written Representation will then form the basis for the examination and any subsequent negotiations undertaken by Officers in due course.</p>
Does the proposal raise any Resource implications?	<p>Yes - officers agreed a Planning Performance Agreement (PPA) with National Highways to mitigate the costs leading up to the formal submission of the DCO. The PPA cannot cover all costs. Costs will be incurred through the examination process, but these relate to SDNPA's role as Local Planning Authority and there is a clear expectation that the SDNPA participate and assist with the examination process.</p>
How does the proposal represent Value for Money?	N/A
Which PMP Outcomes/ Corporate plan objectives does this deliver against	<p>PMP Outcome 1 – Landscape & Natural Beauty</p> <p>PMP Outcome 2 – Increasing Resilience</p> <p>PMP Outcome 3 – Habitats & Species</p> <p>PMP Outcome 5 – Outstanding Experiences</p>
Links to other projects or partner organisations	N/A
How does this decision contribute to the Authority's climate change objectives	<p>The impact of new road building in respect of climate change will be considered by the Planning Inspectorate and Secretary of State.</p>
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?	<p>Yes – no equalities implications arise directly from this decision. The Planning Inspectorate and Secretary of State will have to have regard to this equality duty in their assessment of National Highways proposals.</p>
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
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	Yes - this is a road building scheme within a National Park.

5. 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 National Highways and other stakeholders.
Reputational Risk from not participating in the examination process	Low	Low	Risks are mitigated by acting in the best interest of the National Park’s purposes.

TIM SLANEY

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Appendices

1. M3 Junction 9 Improvement, Written Representation
2. M3 Junction 9 Improvement, Local Impact Report

SDNPA Consultees Director of Planning; Legal Services.

External Consultees None

Background Documents

[M3 Junction 9 Improvement Scheme - DCO Application](#)

[National Park Authority – 6 July 2021](#)

[National Park Authority – 2 July 2019](#)

[National Park Authority – 22 March 2018](#)

[Policy and Resources Committee – 27 February 2018](#)