

# **M3 Junction 9 Improvement**

## **Written Representation**



**South Downs**

National Park Authority

**8 June 2023**

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**I. Summary**

- I.1 The South Downs National Park Authority (SDNPA) objects to the development proposed due to the significant adverse harm the proposal would cause, contrary to the statutory purpose to conserve and enhance the National Park, and there is a lack of mitigation and compensation for the harm caused.
- I.2 The proposal conflicts with following South Downs Local Plan policies and therefore should be refused permission:
- SD1 – Sustainable Development
  - SD2 – Ecosystem Services
  - SD3 – Major Development
  - SD4 – Landscape Character
  - SD5 – Design
  - SD6 – Safeguarding views
  - SD7 – Relative tranquillity
  - SD9 – Biodiversity
  - SD11 – Trees, Woodland and Hedgerows
  - SD42 – Infrastructure
  - SD45 – Green Infrastructure
  - SD54 – Pollution and Air Quality
- I.3 The SDNPA has highlighted elements within the proposed scheme which could be improved. These improvements just lessen the significant adverse harm caused. But do not overcome the issue that this major road widening scheme will result in residual and significant permanent adverse effects due to the erosion of the Special Qualities of the South Downs National Park. This harm identified needs to be considered alongside any benefits of the proposal.

## **2. Introduction**

- 2.1 This written representation is submitted by the South Downs National Park Authority (SDNPA) in response to the application by National Highways (the applicant) to enlarge the M3 Junction 9.
- 2.2 Approximately 62% of the proposed development area falls within the South Downs National Park and the majority of the remaining development area is within the setting of the National Park.
- 2.3 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.
- 2.4 The South Downs National Park contains over 1,600 sq. km of England's most iconic lowland landscapes, stretching from Winchester in the west to Eastbourne in the east. The SDNPA is the organisation responsible for promoting the statutory purposes of the National Park and the interests of the people who live and work in it.
- 2.5 The SDNPA is the Local Planning Authority for the National Park.
- 2.6 This written representation should be read in conjunction with:
- SDNPA's Local Impact Report (LIR)
  - The forthcoming draft Statement of Common Ground<sup>1</sup> between the applicant and the SDNPA.
- 2.7 As recommended in paragraph 23.2 of the Planning Inspectorate's Advice Note 2, where possible we have cross referenced to the above documents in order to assist in keeping submissions as concise as possible and to avoid repetition.
- 2.8 This written representation concentrates on those parts of the DCO application to which the SDNPA objects and those issues which, in the SDNPA's view, remain outstanding or unresolved. This representation refers to amendments to the DCO Requirements and possible obligations secured through a Section 106 Legal Agreement, however, it should also be read in conjunction with the LIR for a full set of amendments and obligations.
- 2.9 Matters of agreement are being recorded in the draft Statement of Common Ground.

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<sup>1</sup> For Members to note: Officers are waiting for National Highways to provide an up-to-date template and this written representation will form the basis for the Statement of Common Ground.

### 3. The SDNPA's View of the Proposal

#### 3.1. Objections to the proposal

##### *Principle of Development*

- 3.1.1. As set out the SDNPA's Local Impact Report (LIR), the overarching National Policy Statement for National Networks (NPSNN, December 2014), the National Planning Policy Framework (updated July 2021) and the South Downs Local Plan (SDLP adopted July 2019, specifically Policy SD3), confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty and that major development should be refused save in exceptional circumstances, and where the development is in the public interest.
- 3.1.2. This 'major development test' (as set out in 5.151 of the NPSNN) states that the consideration of such applications should include an assessment of:
  - a) the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;
  - b) the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.1.3. Paragraph 5.152 goes on to state that there is a strong presumption against any significant road widening or the building of new roads in a National Park, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly.
- 3.1.4. Then at paragraph 5.153 it states that if consent were to be given the Secretary of State should be satisfied that the applicant has ensured that the project will be carried out to high environmental standards and where possible includes measures to enhance other aspects of the environment.
- 3.1.5. In response to these requirements, the SDNPA acknowledges there is a need to improve, in some way, the M3 Junction 9 (and surrounding roads) and given the various boundary constraints around the existing highway infrastructure, (including the National Park boundary being to the east and west of it), there is limited scope for developing completely outside the National Park.
- 3.1.6. Where the SDNPA differs from the applicant, is over the extent to which the detrimental effects to the environment, landscape and recreational opportunities have been moderated (following the mitigation hierarchy), whether the benefits of the scheme outweigh the environmental, landscape and recreational costs very *significantly* (our emphasis) and whether the scheme will be carried out to high environmental standards and includes measures to enhance the environment.
- 3.1.7. As set out in more detail below (and within the SDNPA's LIR), examples which highlight our objection include the changes to topography and landscape character (including proposed mitigation measures to moderate the harm caused), the proposed central temporary construction compound and the location and design of the drainage and infiltration features.
- 3.1.8. The proposal involves land take from the South Downs National Park which results in significant adverse and permanent impacts on its special qualities.
- 3.1.9. The proposed central temporary construction compound and associated haul roads / access tracks causes significant adverse harm which is entirely avoidable. It is the SDNPA's view that insufficient consideration has been given to locating the proposed main / central compound outside the National Park, in a less sensitive

location. There is another (and existing) compound (referred to as Badger Farm) located outside the National Park, which is / was being used by the 'Smart Motorway' team working in and around Junction 9 (and beyond). Further consideration should be given to the use of this area thereby avoiding any harm to the National Park.

- 3.1.10. The economic benefits of the scheme are weighted heavily to time savings from a 'free flow movement between the A34 and M3' which seem to be greater in the 'Combined Modelling and Appraisal Report' (Table 4.9 and 6.1.3 within application document APP-163) than the Case for the Scheme (4.10.3 and Table 4.3 within application document APP-154). In addition, no natural capital costs have been used for the BCR (benefit cost ratio) process, so the costs are not reflective of the environmental and landscape harm.
- 3.1.11. The SDNPA considers that the benefits of the scheme have not been proven to outweigh the harm identified to the National Park. A key objective of the scheme (as set out in the application documents) is to improve flow and reduce journey times and congestion to and from the M3 and the A34. As set out in the 'Case for the Scheme' (Table 4.3 within application document APP-154) and the 'Combined Modelling and Appraisal Report' (various references including at 4.5.7 and 5.5.11 within application document APP-163) the reductions on journey times for the M3 is minimal and the benefits are not anticipated to be seen until 2042 or 2047. The key objective routes (M3 / A34) show very few decreases in travel times, with only a potential benefit occurring to / from A34 movement in the evening peak (Tables 4.3 and 4.4 in application document APP-154).
- 3.1.12. As set out Section 5 and Appendix B of the LIR, the SDNPA (together with other stakeholders) has undertaken a lot of work in identifying landscape enhancement measures to lessen the impact of the existing M3 on the National Park. The proposal will make the landscape harm caused by the road worse. Whilst there are some connectivity improvements, the landscape harm will be significantly worse. The First Iteration Environmental Management Plan (application document APP-156), at 1.2.13 states 'Consideration has also been given to the enhancement of the South Downs National Park where reasonably practicable'. However, the application fails to demonstrate how the proposal will enhance the National Park not just mitigate for the harmful impacts.
- 3.1.13. Therefore, the SDNPA does not consider that the proposed development accords with both National and Local policies for 'major development', nor with the statutory requirement to conserve and enhance the National Park.

#### *Landscape Harm*

- 3.1.14. The SDNPA agrees with the applicant's assessment (such as in 7.11.11 of application document APP-048) that the development proposed would cause significant adverse harm to the National Park, including views to and from the National Park and to its setting. This would be contrary to SDLP Policies SD1, SD2, SD3, SD4, SD5, SD6, SD11 and SD42 (and the SDNPA's Design Guide, Supplementary Planning Document, July 2022), nor would the proposal meet the statutory purpose of conserving and enhancing the National Park.
- 3.1.15. Where the SDNPA disagrees with the applicant, is in the conclusion of the LVIA (landscape and visual impact assessment) which is set out in Chapter 7 of the submitted Environment Statement (application document APP-048), where it finds that landscape effects on the National Park will no longer be significant at Year 15 of operation.

3.1.16. The incursion and expansion of the motorway landscape into the National Park will result in the erosion of intrinsic characteristics such as the Downland topography which would have a residual and permanent significant adverse effect.

3.1.17. The key areas of objection relating to landscape harm are (as set out in the LIR):

- a) *Earthworks / Changes to Topography* – cutting into the chalk Open Downland east of the existing M3 and the deposit of the excess spoil into two existing natural depressions / dry valleys in the Downland. Rather than integrating the road upgrades into the valley landscape, the upgrades would extend the footprint of the highways network by cutting into the Open Downland.

As highlighted above, the proposed cuttings etc have not followed the continuous line of the Downland. The current proposals will mark the line of the road as a dominant feature cutting through the landscape rather than sitting within the folds of the Downs (even if these are made up ground).

The overall design of the scheme should have given greater consideration to the to the landform proposals to ensure that there is a seamless and appropriate join up with the existing positive characteristics of the Open Downland landform.

- b) *Vegetation Clearance* - current trees / vegetation soften the interface between the motorway and the SDNP and is relatively successful in minimising the visual impact of the motorway on the wider National Park. The loss of this vegetation would open up views (in particular of the motorway corridor and new infrastructure) causing significant adverse harm.

This will have a significant detrimental landscape and visual effect on the National Park and the Winnall Moors Nature Reserve in particular when considered in combination with the proposed increased height of the new junction elements, the existing screening and buffering that the tree stands provide. The existing woodland areas were particularly noted in considering the inclusion of Winnall Moors into the National Park (during the designation process), due to their contribution to the tranquillity of the Itchen Valley.

- c) *Main / Central Construction Compound* – in the proposed location it will protrude into and exacerbate the impact of the proposed works on the National Park. The SDNPA considers that a compound in this location would be an unacceptable incursion beyond the existing highway into Open Downland landscape of the National Park beyond the valley side. As highlighted above, the SDNPA considers there are alternative locations for the compound (outside of the National Park) which would make the significant adverse harm caused by the current proposal entirely avoidable.

If the Examining Authority accepts the applicant's position that the central compound cannot be located outside the National Park, then without prejudice to our objection above, the SDNPA requests that any bulky / prominent items such as the plant storage and welfare units should be located elsewhere within the main corridor of works, or elsewhere, but not within the National Park.

- d) *Proposed swale and attenuation ponds* – the swale and attenuation ponds, and the associated earthworks required to form the ponds, are to be located in sensitive areas (for example due to topography or habitat sensitivities) and the form and locations are uncharacteristic of chalk geology and landscape. They appear to be superimposed on the Downland and are incongruous features due to the uncharacteristic vertical and horizontal layout and positioning.

These elements would not read as part of the Downland landscape but as part of the overall highways landscape, which would be perceived as having extended into the Downland. In addition, the loss of the Open Download character would

be exacerbated by the proposed scrub and woodland planting – types of planting which is usually found on the lower valley sides and valley floor.

- e) *Chalk Grassland and farmland interface* – Despite the SDNPA’s support for Chalk Grassland as a mitigation measure, the proposals for Chalk Grassland within the landscape east of the M3 would establish an artificial new line or sub-division within the Open Downland. This is because the area proposed to be managed as Chalk Grassland would not correspond with any existing field boundaries. The proposal and differences in management regimes would establish a new pattern in the landscape, which would not correspond to any existing or historic patterns, exacerbating the impacts of the proposed scheme. Furthermore, it is unclear how the Chalk Grassland would be protected from agricultural activities and management practices which might undermine or disturb the proposed Chalk Grassland.

As set out in the LIR, in the SDNPA’s opinion, the fields east of the M3 should be treated as one (as reflected in the overall landscape character of this area), and all reverted to Chalk Grassland secured through the DCO Requirements.

- 3.1.18. The SDNPA also considers that the effects have been underestimated in the LVIA chapter and they are also underestimated in the accompanying visualisations (as set out in application document APP-069). The visualisations do not show the full impact of the proposed works, for example:

- Planting growth appears optimistic, particularly at Viewpoint 1;
- In Viewpoint 14, existing trees are shown along the edge of the motorway however these are proposed to be removed;
- Structures such as the attenuation ponds are not shown, and
- The road, particularly at Viewpoint 14, is not how it will actually look. There are no vehicles, no barriers, no road markings etc.

- 3.1.19. The Viewpoints need to be corrected to address the above and the applicant should provide confirmation that all the other viewpoints / visualisations are accurate.

- 3.1.20. The SDNPA would also question how and in what way the overall design of the works has been ‘landscape-led’ (as required by the policies in the SDLP).

- 3.1.21. A failure of the overall approach is the absence of specific design principles that conserve and enhance the landscape character or any recognition of this highly protected landscape within the overall scheme objectives (neither are reflected in the submitted Design and Access Statement, application document APP-162). For example, the SDNPA would have expected to see that the existing flowing Downland topography east of the M3 is conserved as much as possible thereby avoiding the erosion of the 18th – 19th Century planned enclosure landscape pattern and preventing further fragmentation of the Open Downs. In addition, the SDNPA would have expected to see proposals for filling of deposition material is designed in a manner which is sympathetic to this distinctive landform (again acknowledging the overall landscape character).

*Landscape – Insufficient Mitigation*

- 3.1.22. As referred to in the SDNPA’s LIR, in the current absence of any appropriate Section 106 planning obligation to mitigate and offset the harm caused by delivering agreed and significant landscape enhancements within the local area, the SDNPA considers the proposal would cause significant harm to the National Park and its setting. The NPSNN states the Secretary of State (should consent be granted) should be satisfied that the applicant has ensured that the project will be carried out



to high environmental standards and where possible includes measures to enhance other aspects of the environment.

3.1.23. The key areas of objection relating to landscape mitigation and enhancement are:

- a) *Chalk Grassland on embankments and areas of fill material* – The SDNPA would also question the proposed location of some of the Chalk Grassland (such as the lower embankments alongside the M3 and how viable its long-term success would actually be. The long-term management of the Chalk Grassland has to be ‘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.

- b) *Chalk Grassland as mitigation* – The SDNPA supports the use of Chalk Grassland as part of the overall mitigation measures. However, the application includes separate sections for embedded and essential mitigation measures. The SDNPA, in our view, considers that in relation to Chalk Grassland that this would appear to be double counting. In our opinion, the planting proposals are essential parts of the scheme not mitigation. As set out in the LIR, the application documents should be updated to reflect this, and the applicant should advise on whether this update changes their conclusions regarding mitigation of the landscape effects.
- c) *Proposed Vegetation* – as highlighted in paragraph 6.14 of the SDNPA’s LIR, in places the width of proposed tree planting alongside the eastern edge of the M3 is only 10m wide which is unlikely to be sufficient to provide a robust level of screening of the road infrastructure and activity, particularly in the short term, examples of this include Easton Lane and Long Walk and the proposed bridleway between these lanes (see Environmental Masterplan, Figure 2.3, application document APP-062).

In some areas the proposed tree planting is narrower than the existing cover, which at present is up to 25m in width. In addition, in some areas the majority of the proposed planting is located on the cut batter rather than above the slope, where it would be more effective at providing visual relief in views from higher ground east within the National Park.

The DCO requirements should be strengthened to ensure that tree planting along the eastern edge of the motorway is no less than 25m in width and that at least half of this planting occurs on top of the cut batter where it will be more elevated and will provide a more effective screen.

The SDNPA would also like to see the DCO Requirements strengthened to include minimum planting / stock sizes. For example, in the nursery stock proposed for the woodland areas (set out in the ‘Outline Landscape and Ecological Management Plan’, Appendix 7.6 – application document App-102), the proposed proportion of 80% transplants is too high. The SDNPA would expect to see 5% Heavy standard (selecting native species which are easily replanted at this size), 10% standard, 20% feathered and 65% transplants.

- d) *Proposed Public Right of Way* – the inclusion of the new bridleway between Easton Lane and Long Walk, a new shared foot / cycle connection beneath and around the gyratory and new shared foot / cycle route alongside the A34 are supported as they would contribute to the SDNPA’s second purpose and policy priority of improving accessibility within and around the National Park. However, the

rationale for the alignment of the proposed bridleway between Easton Lane and Long Walk is arbitrary and does not take the optimum route in landscape and visual amenity terms. In meetings with the applicant, they have explained that the route was designed to establish a 1:20 grade. However, given that the route will be located on land subject to reprofiling works, this grade could be formed elsewhere. In our opinion, the route should be further east of the M3 or at least provide an alternative walking route further up the slope away from the motorway corridor, where views will be more extensive and the impact of passing vehicles on the amenity of the route would be less.

The proposed public rights of way alongside the A33 and A34 are very close to the proposed carriageways and as such are unlikely to be attractive routes. Further details on design measures taken to ensure these routes are attractive need to be provided, this could include the use of bunds between the walking and cycling route as well as replacement tree planting to provide additional cover and relief from the surrounding highway.

- 3.1.24. It is also considered that insufficient consideration has been given to how the scheme could contribute to this 'Natural Capital Investment Area' and deliver on the mitigation and enhancement proposals (secured through a DCO Requirement and / or appropriate Section 106 planning obligation) as set out in Appendix B of LIR.
- 3.1.25. Therefore, the current proposal would be contrary to the English National Parks and the Broads, UK Government Vision and Circular 2010 (DEFRA) which states 'relevant authorities' (such as National Highways) should support the SDNPA in seeking to minimise harm and maximise the beneficial effects to the National Park.

*Tranquillity, including Noise*

- 3.1.26. As set out in the LIR, the proposal would have a significant adverse impact on the sense of tranquillity, contrary to SDLP Policy SD7 even with the proposals to mitigate for noise impacts. However, there are no clear proposals to mitigate the impact (or compensate) for the harm caused to tranquillity, one of the National Park's special qualities.
- 3.1.27. The SDNPA considers that there are additional measures that could be taken to reduce and / or compensate for the loss of tranquillity. Some of these are measures would, through screening or reinforcing the natural character of the landscape, also have beneficial impacts on the sense of tranquillity. They are:
- Prioritising the creation of natural landforms (throughout design and implementation) on regraded areas including attenuation ponds, bunds etc, to avoid the creation of over engineered landforms;
  - Widening of the proposed tree belts along the eastern edge of the new alignment;
  - Extension of the restored chalk grassland to the east of the new alignment to the order limits;
  - Provision of an alternative route though the restored chalk grassland (pedestrian only if necessary) that is further from the M3 carriageway than the one currently proposed;
  - Relocating the central construction compound outside the National Park;
  - If central construction compound is moved there may be opportunities for advance planting of woodland planting;

- A commitment to extend the use of ‘low noise road surfacing’ to existing sections of the M3 throughout the order limits (or even wherever the M3 runs through or adjacent to the National Park), and
- Commitment to minimise gantries for signage as far as possible.

3.1.28. However, these are not currently being put forward by the applicant. The SDNPA is willing to continue to work with the applicant to address this objection and to ensure compliance with SDLP Policy SD7.

*Biodiversity*

3.1.29. The SDNPA objects to the proposal as it would be contrary to SDLP policies SD2, SD9 and SD45, as set out in the SDNPA’s LIR and landscape section above, with one of the main concerns related to the potential double counting within the proposed mitigation measures. The SDNPA would like to make the following additional comments:

- a) The current proposal is missing an opportunity to be an exemplar project for National Highways to deliver on ecological and landscape benefits as part of the requirement of paragraph 5.153 of NPSNN and to help contribute to the Government’s commitment to nature recovery (as set out in the 25-year Environment Plan). This scheme could provide habitat connectivity / enhancements (and biodiversity net gain) through the design and materials proposed for the bridges and other structures within the scheme. For example, it is noted that the Kingsworthy Bridge will need to be ‘strengthened’, 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 proposed development. Another example, is providing a clear commitment that all fencing and roadside drainage will be ‘animal friendly’ to enable small animals / reptiles and amphibians safe passage to the various habitats in and around the road scheme;
- b) It is the SDNPA’s view that there is scope for the proposed development to make a positive contribution to landscape scale adaptation responses to climate change. It is disappointing that there is very little reference to this (the only reference is to potential carbon sequestration at the detailed design stage). There is also little reference to how the proposal 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);
- c) There are also other opportunities to increase the overall ‘biodiversity net gain’ and enhance the National Park, for example, work at the ‘Cart and Horses Junction’ (also see comments below under ‘Highways’) could include additional planting to screen the right of way, and
- d) We are disappointed that proposed development does not propose enhancement measures to address the issue of ‘Nitrate Neutrality’ (the River Itchen discharges directly to further, coastal European sites - the Solent and Dorset Coast SPA and Solent and Southampton Water SPA/Ramsar site). For example, during the operational phase, the development could have a significant positive benefit by taking land out of agricultural use and converting it to a use (for mitigation) that does not 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).

*Residential Amenity*

- 3.1.30. The SDNPA has serious concerns regarding the adverse impacts on residential amenity, particularly on residents of White Hill Cottage and the insufficient mitigation measures proposed. As set out in the SDNPA's LIR, it is unfortunately inevitable that work will give rise to localised disturbance to amenity during the construction phase. However, some of the adverse harm caused is entirely avoidable for example, by relocating the central construction compound outside the boundary of the National Park and redesigning the proposed drainage features in a more sensitive manner. Therefore, the proposal is contrary to SDLP Policies SD2, SD5 and SD54.

3.2 Matters of Concern

*Highways, including Public Rights of Way*

- 3.2.1. The issue of the 'major development test' and objections to the location of the central compound are set out above. However, the SDNPA does have other highway related concerns, and would like to make the following comments:

- a) The SDNPA supports Hampshire County Council, as the Local Highways Authority, in their objection to the exclusion of proposals for the 'Cart and Horses junction' from the DCO. The proposed development will result in an increased level of traffic through this junction and will have negative impacts on the local road network and therefore negative impacts on the National Park. Therefore, this junction should be included within the DCO application and appropriate measures should be provided to mitigate the impacts of the additional traffic and ensure safe crossing points (and routes) for all users who want to access and visit the National Park.

If the Examining Authority accepts the applicant's position that the 'Cart and Horses junction' should remain outside the DCO, then without prejudice to our comments above, the SDNPA requests that a financial contribution towards highway and access improvements at this junction is secured through an appropriate worded obligation with a Section 106 legal agreement.

- b) Whilst the public right of way network within the National Park generally is extensive, within this part of the National Park, it is relatively sparse. Therefore, the SDNPA supports the principle of the inclusion of a new bridleway to the east of M3 and the other improvements / routes for non-motorised users (subject to overcoming the landscape objections set out above).

However, and as set out in the LIR, the DCO requirements should clearly set out the widths of all those paths / routes and legal status of the completed works / routes.

It is acknowledged that the dimensions for the proposed subways accord with the minimum dimensions for unsegregated subways for pedestrians and cyclists as set out in the Design Manual for Roads and Bridges (DMRB) CD 143 Version 2.0.1 - Designing for walking, cycling and horse-riding (Table E/4.11). However, if the intention is for the pedestrian and cycle routes to be segregated e.g. by means of a physical barrier, the minimum width of the subway would need to be increased to 5 metres. Therefore, the applicant needs to confirm whether the routes will be segregated or unsegregated (and that is then clearly set out in the DCO Requirements).

In addition, the applicant needs to provide an explanation of the detailed design measures that have been taken to maximise the sense of spaciousness and the actual and perceived sense of safety within the subways. This should include

measures such as the use of materiality or colour choices to create visual interruptions to minimise the perceived length of the subways, the use of discreet lighting, and the use of consistent surfacing to establish a smooth transition between exterior and interior of the subways.

Regarding the existing right of way alongside the River Itchen, the proposal will result in an increase in the combined width of highways structures crossing the River Itchen and the public right of way (including the proposed 3.5m wide footbridge alongside the A34 northbound). Currently, the Itchen Valley Way (a named and promoted long distance path that is well used) uses the public right of way beneath the existing bridges, which are very low in relation to the footpath. Due to the noise and low height of the bridge the existing route is unattractive. Further details on the relationship between the proposed scheme and this important promoted route should be provided, including details of any opportunities taken for its enhancement.

As set out in the LIR in paragraphs 6.32 and 6.34, in addition, an appropriate S106 planning obligation is required to mitigate the harm through funding walking, cycling and horse-riding improvements in the surrounding area, such as the 'Cart and Horses' junction to ensure the scheme delivers on the second statutory purpose of the National Park.

*Water Environment including Drainage and Flood Risk*

- 3.2.2. As set out in the SDNPA's LIR, the SDNPA has no objection to principle of the drainage strategy and measures proposed to deal with flood risk and avoid harm to the River Itchen, subject to securing further biodiversity mitigation measures and enhancements (as referred to in paragraph 6.24 of LIR). However, as highlighted under the landscape section above, the SDNPA objects to the proposed swales and attention ponds as they are considered to be incongruous features within the Chalk Downland.

*Cultural Heritage, including Archaeology*

- 3.2.3. The SDNPA's LIR sets out that although permanent adverse effects to buried archaeological assets will occur, these can be satisfactorily mitigated. This is subject to amendments to the DCO Requirements (and associated Environmental Management Plans and Archaeology and Heritage Outline Mitigation Strategy), and the provision of financial contribution secured through a Section 106 legal agreement, as referred to in the SDNPA's LIR.

*Geology and Soils, including Contaminated Land*

- 3.2.4. As set out in the LIR, the SDNPA would like clarification to ensure that archaeology is considered in the Soil Management Plan.

**3.3 Other Matters**

- 3.3.1. As set out in the SDNPA's LIR the following topics are considered to have neutral or limited impact. Therefore, the SDNPA has no further comments to make at this stage but reserves the right to make additional comments should any relevant amendments be made to the application during the examination process.

- Dark Night Skies (given the proposed DCO Requirements);
- Air Quality;
- Open Access Land and Public Open Space;
- Material Assets and Waste, and
- Socio-economic.

**3.4 Common Ground**

- 3.4.1. The agreed matters, as they currently stand between SDNPA and the applicant, are captured in the draft Statement of Common Ground<sup>2</sup> to be submitted by the applicant by the required deadline and in the interests of brevity, there is no need to repeat these matters in this written representation.

**4. Conclusion**

- 4.1 The SDNPA objects to the DCO application for the reasons given above.
- 4.2 The SDNPA will continue discussions with the applicant in an attempt to address the issues raised in this written representation and will continue to engage positively and in a timely fashion during the examination process.

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<sup>2</sup> For Members to note: Officers are waiting for National Highways to provide an up-to-date template and this written representation will form the basis for the Statement of Common Ground.