

M3 Junction 9 Improvement

Local Impact Report



South Downs

National Park Authority

8 June 2023

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Executive Summary

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.

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.

The table below sets out the South Downs National Park Authority’s view on the local impacts associated with the proposed scheme, as submitted. This table assumes the delivery of all currently proposed mitigation measures. The table is ordered by topic area and represents a summary of the points made in Section 6 of this Local Impact Report.

Topic Area	Positive Impact	Neutral or Limited Impact	Negative Impact
Principle of Development			
Landscape			
Tranquillity, inc. Noise			
Dark Night Skies			
Biodiversity			
Cultural Heritage inc. Archaeology			
Water Environment inc. Drainage and Flood Risk			
Highways inc. Public Rights of Way			
Air Quality			
Residential Amenity			
Open Access Land and Public Open Space			
Geology and Soils inc. contaminated land			
Material Assets and Waste			
Socio-economic			

1. Introduction and Terms of Reference

- 1.1 This Local Impact Report (LIR) relates to the proposed M3 Junction 9 Improvement Project, as it relates to the administrative area of the South Downs National Park. The South Downs National Park Authority (SDNPA) is the organisation responsible for promoting the statutory purposes of the National Park (see Section 4 of this report) and the interests of the people who live and work in it.
- 1.2 SDNPA is the Local Planning Authority within the boundary of the South Downs National Park.
- 1.3 In preparing this document the SDNPA has had regard to the purpose of LIRs as set out in Section 60(3) of the Planning Act 2008 (as amended) and the guidance given in the Planning Inspectorate’s Advice Note One: *Local Impact Reports*, published in 2012. The SDNPA are aware that, as set out in this Advice Note, a LIR should not seek to balance or weigh the impacts upon the National Park but should clearly set out positive, neutral and negative impacts.
- 1.4 This LIR’s main purpose is to identify 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.

2. Site Description

- 2.1 M3 Junction 9 is to the east of the City of Winchester. The boundary of the South Downs National Park largely follows the eastern boundary of the M3, albeit the boundary cuts across to the western side of the M3 to include Easton Down, Winnall Moors Nature Reserve and the River Itchen to the north east and south east of Junction 9 and St Catherines Hill to the south east of Junction 10. The boundary of the National Park in the context of the existing M3 Junction 9 is shown by the red line in Figure 1 below.
- 2.2 Approximately 68 hectares of the National Park is within the boundary of the proposed M3 Junction 9 improvement scheme. Within this area, the general landscape character types are Open Downland and Chalk Valley Sides and Floodplains.
- 2.3 The Itchen Valley is a major landscape feature of the western end of the National Park. It contains one of the larger Wessex chalk streams and is noted for the stable flow, clarity and temperature of its waters. The valley forms a dramatic setting to Winchester where the downland and river valley pass into the centre of the city providing many outward looking views to the surrounding landscape from within the city itself.
- 2.4 In addition, the River Itchen and its associated floodplain (including the Winnall Moors Nature Reserve) is a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), (as shown in Figure 8.1 of application document APP-070).
- 2.5 The existing land use within this part of the National Park is largely arable with some pasture (on Easton Downs) and a small number of farm holdings, dwellings, educational and commercial facilities.

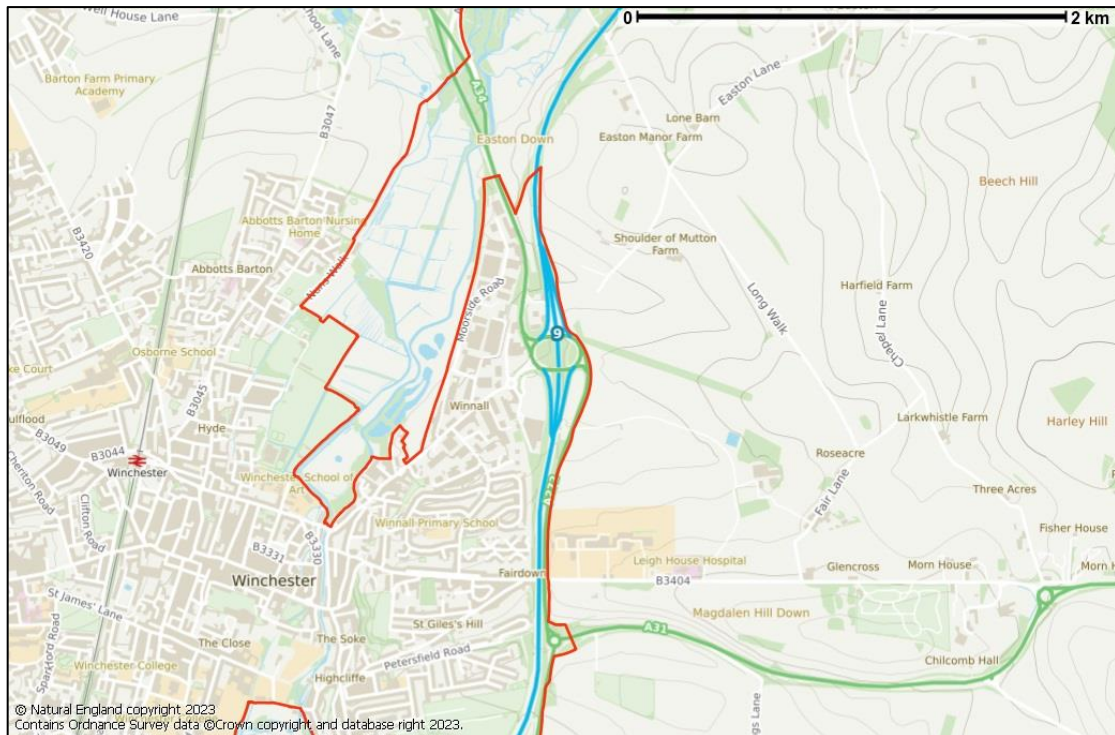


Figure I – Boundary of the South Downs National Park around M3 Junction 9

- 2.6 A small part of the Abbots Worthy Conservation Area is located within the northern part of the application boundary (the Conservation Area covers a part of the Easton Downs area, as shown in Figure 6.2 of application document APP-066).
- 2.7 The location of the National Park close to Winchester, and the proximity of the M3, A31 and A272, makes it potentially accessible by a large number of users. However, those same roads provide barriers to movement especially for those on foot / cycle / horseback. There is a relatively sparse network of public rights of way, although those that exist are important – for example the South Downs Way national trail.
- 2.8 There is no relevant planning history given that the DCO limits largely encompass greenfield land.

3. The Proposal

3.1 The applicant’s Environmental Statement, at chapter 2 (application document APP-043), details the proposal. Approximately 62% of the application boundary 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.

3.2 A summary of the key points of the scheme of particular relevance to the National Park are set out below:

- landform, this includes changes to the topography through cuttings and false cuttings as well as re-profiling of existing land form to facilitate the proposed road widening and associated works (including proposed mitigation measures);
- drainage and infiltration features including any potential impacts to River Itchen Special Area of Conservation and Site of Special Scientific Interest, and Wynnall Moors Nature Reserve;

- new structures (such as gyratory bridges, underpasses, retaining walls, subway and a new cycle and footbridge over the River Itchen);
- new walking, cycling and horse-riding provision;
- the location of the central temporary construction compound and associated haul roads / access tracks;
- new lighting and
- creation of new areas of Chalk Grassland, woodland, scrub planting and species rich grassland.

4. The South Downs National Park

Designation of the South Downs National Park (SDNP)

- 4.1 The South Downs National Park was established as a National Park in 2010 and the SDNPA became the Planning Authority for the National Park on 1 April 2011. The South Downs National Park contains over 1,600 sq. km of England's most iconic and valued lowland landscapes, stretching from Winchester in the west to Eastbourne in the east.
- 4.2 The South Downs National Park Designation Report¹ (extracts are provided in Appendix A) sets out that its natural beauty and the opportunities it affords for open-air recreation, having regard to both its character, and in particular the chalk landscape, and its position in relation to centres of population, makes it especially desirable that it is designated for National Park purposes.
- 4.3 The area east of Winchester and both sides of the existing M3 were given close scrutiny during the designation process. Ultimately the boundary was set in its current position due to the chalk landscape east of the M3 being part of the overall chalk character of the South Downs and that it clearly illustrated its high quality and distinctive character, as well as offering exhilarating panoramic views across Open Downland.
- 4.4 Whilst the Designation Report acknowledges that the existing M3 adversely affects the wider landscape, it states that the wider M3 corridor is a lightly settled tract of rolling chalk landscape largely free of landscaped detractors and is of high scenic attraction.
- 4.5 During the designation process it was argued that the M3 should act as the clear identifiable boundary to the western end of the National Park. However, it was acknowledged that the River Itchen is a superb example of a chalk river and that its more naturalistic sweep of flood plain meadow is largely unspoilt, intact and tranquil. In addition, the area's underlying geology is chalk and this incredibly attractive valley landscape has strong visual associations with the chalk hills to the south. Moreover, the valley has a powerful sense of seclusion and tranquillity. Ultimately, it was decided that the area to the north and west of the M3 be included within the boundary of the National Park as not only was the River Itchen an important landscape feature, but the area was also part of a high quality chalk landscape characterised by rolling hills and secluded dry valleys.

¹ The Countryside Agency, South Downs National Park – the Boundary and the reasoning for it (2002) and Reports to the Secretary of State for Environment, Food and Rural Affairs, South Downs National Park, Inspector's Reports 31 March 2006, 28 November 2008 and 28 August 2009

Statutory Purposes and Duty

- 4.6 The National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995, sets the following statutory purposes and duty for National Parks:
1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
 2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.
- 4.7 The SDNPA also has a duty when carrying out these statutory purposes:
- To seek to foster the economic and social well-being of the local communities within the National Park
- 4.8 In addition, Section 62 of the Environment Act 1995 also requires all relevant authorities, including statutory undertakers and other public bodies (such as the Planning Inspectorate) to have regard to these purposes. This ensures that relevant authorities take account of these purposes when coming to decisions or carrying out their activities relating to or affecting land within these areas. It recognises that a wide range of bodies have a direct influence over the future of National Parks in terms of policy, project implementation, casework decisions, land ownership and management. It also acknowledges that the fulfilment of National Parks' statutory purposes rests not only with those bodies solely responsible for their management but that it also relies on effective collaborative working.
- 4.9 Where there is an irreconcilable conflict between the statutory purposes, statute (Section 11A(2) of the 1949 Act (inserted by section 62 of the 1995 Act)) requires any relevant authority, when exercising or performing functions which relate to or affect land in a National Park, to attach greater weight to the purpose of 'conserving and enhancing' if it appears that there is a conflict between the two National Park purposes (supported in recent case law *Stubbs V LDNPA (2020) EWHC 2293 (2021) PTSR 261* and *Worthing BC v Secretary of State for Levelling Up, Housing and Communities (2022) EWHC 2044 (Admin)*). Giving priority to the first purpose of the National Park is known as the *Sandford Principle*.

Highest Status of Protection

- 4.10 National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty (overarching National Policy Statement for National Networks, December 2014, paragraph 5.150 and National Planning Policy Framework, 2021, paragraph 176).
- 4.11 The overarching National Policy Statement for National Networks states at paragraph 5.154 that the duty to have regard to the purposes of nationally designated areas, such as National Parks, also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. Paragraph 5.154 states that the aim should be to avoid compromising the purposes of the designation and that development proposals should be designed sensitively given the various siting, operational and other relevant constraints.

English National Parks and the Broads: UK Government Vision and Circular 2010, DEFRA

- 4.12 This DEFRA Circular sets out a vision for the English National Parks for 2030 and guidance on the key statutory duties of the National Park Authorities and how they should be taken forward, together with the contributions needed from others. The Circular recognises that whilst the lead role in the achievement of National Park purposes rests with National Park Authorities, the active support and co-operation

of all Government and public bodies and statutory undertakers whose activities affect the Parks is also vital to the achievement of Park purposes. The Circular notes that many of these will be ‘relevant authorities’ with obligations under section 11A of the 1949 Act to have regard to the relevant Park purposes when coming to decisions or carrying out their activities relating to or affecting land within the Parks. The Circular states that the Government expects those bodies affected to give due weight to their obligations under this legislation.

Special Qualities

- 4.13 A crucial starting point for managing change in the future is capturing the essence of what makes the National Park important now – its special qualities. Every National Park has developed a list of the things that make it special, both as a baseline for measuring changes over time and to hold the SDNPA - and its partners - to account for their contributions to its future. Documenting the Park’s special qualities is required by paragraph 21 of the English National Parks and the Broads: UK Government Vision and Circular 2010.
- 4.14 The seven special qualities of the South Downs National Park are given below in Figure 2. The special qualities do not sit in isolation, rather, they are interconnected and mutually reinforcing. Landscape is the key to all of the other special qualities and is therefore shown at the centre of Figure 2. In SDNPA’s view the aim behind National Park designation must be to conserve and enhance all seven special qualities together.



Figure 2 – The Special Qualities of the South Downs National Park

Memorandum of Understanding with National Highways and National Parks England

- 4.15 In light of the above, in October 2019, National Highways (then Highways England) signed a Memorandum of Understanding (MoU) with National Parks England (which exists to support policy and practice by co-ordinating the view of the ten English National Park Authorities). The purpose of which was to ensure the organisations worked together to minimise the impact of the strategic road network on the National Parks and Broads through which they either pass or border. The MoU set out a series of principles, set out below, with the ones considered particularly relevant to this proposal set out in *italics*.
- *Health Safety and Wellbeing – ensure health, safety and well-being of all users and communities adjacent to the strategic road network is considered by both parties.*
 - *Strategic Planning – share strategic plans with appropriate Authority at the earliest opportunity where such plans may potentially impact on the respective National Park or the Broads.*
 - *Climate Change – ensure road scheme proposals within National Parks and the Broads do not negatively affect climate change adaption or mitigation measures or that National Parks (as Local Planning Authority) do not permit development that negatively impact on the resilience of the strategic road network to climate change and severe weather events.*
 - *Government Policy and Legislation – promote wider understanding across both organisations, including environmental issues, planning, regeneration, sustainable development and National Park and the Broads statutory purposes.*
 - *Highways England’s Designated Funds – where appropriate, these will be utilised to work collaboratively on infrastructure development aimed at delivering mutual benefits alongside or adjacent the strategic road network.*
 - *Asset Design and Management – ensure that the design and management of new and existing infrastructure on the strategic road network takes account of the beauty and other special qualities of the relevant National Park or Broads whilst retaining operational functionality. This may require a more innovative and collaborative approach to the design of infrastructure within National Parks and the Broads, including early engagement.*
 - *Innovation / Research and Development – share good practice and new technologies. For example, opportunities for the roll-out of smart technology with the complementary removal of redundant infrastructure along the strategic road network.*
 - *Removal of clutter and litter – ensure opportunities are taken to regularly review signage and other roadside infrastructure to ensure redundant and damaged items are removed in a timely fashion. Opportunities should be taken to ensure the regular removal of litter originating from the strategic road network.*
 - *Natural Capital – Highways England will work with the Authorities to ensure highways schemes within National Parks and the Broads produce an environmental net gain in line with the Government’s 25 Year Environment Plan.*
 - *Cumulative Impacts – when designing individual highway schemes, Highways England should work with the appropriate Authority to assess and mitigate the cumulative impacts of road schemes across the individual National Parks and the Broads.*
 - *Communication and Engagement – promote aims of MoU to others both internally and externally.*

- Wider Influence – work in partnership to share best practice in highway design.
- Information Exchange – seek opportunities for sharing, learning, training etc in support of delivery of the MoU.
- Improve directional information – work in partnership to ensure that opportunities are taken to provide directional signage for National Parks from junction on the strategic road network.

5. South Downs Local Plan and Other Relevant Local Policy

South Downs Local Plan

- 5.1 The SDNPA is the Local Planning Authority for the National Park and the statutory development plan for the National Park is the South Downs Local Plan. This was adopted in July 2019 and sets out how the SDNPA will manage development to 2033. This Local Plan is the first to plan for the South Downs National Park as a single entity.
- 5.2 Section 6 of this LIR sets out the planning issues associated with the proposed development and the Local Plan policies that are relevant. It also sets out the extent to which the proposed development accords, or does not accord, with these Local Plan policies.

Relevant Neighbourhood Plan

- 5.3 The proposed development does not pass through any areas with a made Neighbourhood Plan therefore no Neighbourhood Plans form part of the statutory development plan for the application site.

Other Relevant Local Policy

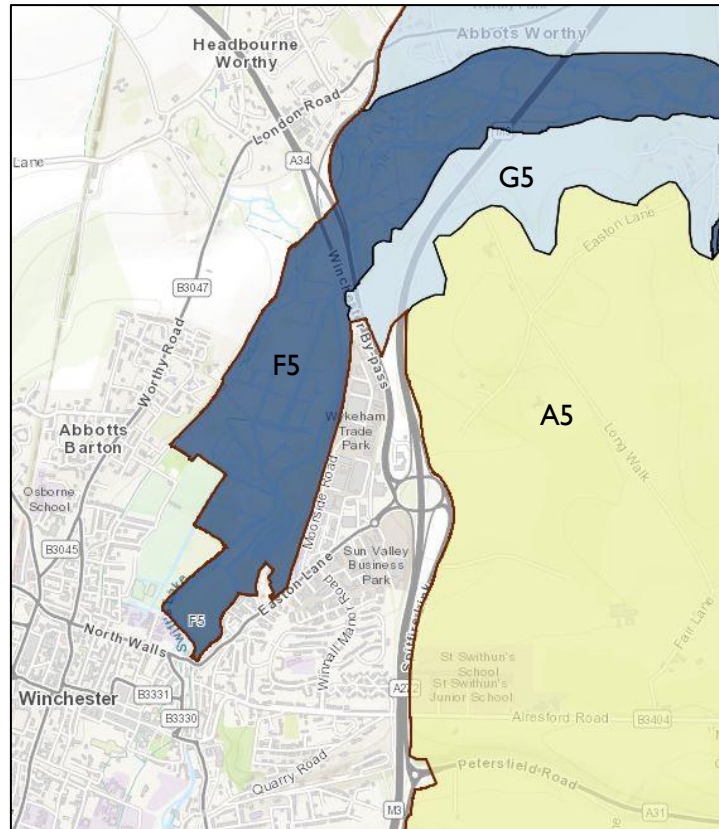
The South Downs National Park Partnership Management Plan 2020-2025

- 5.4 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. The Partnership Management Plan sets out the overarching five-year strategy for the management of the South Downs National Park. It brings together and coordinates the aspirations of many different partners who help contribute towards the purposes for which the National Park was designated.
- 5.5 The Plan consists of a vision of where the SDNPA would like to get to by 2050, with 10 overarching outcomes and 21 priorities (within those outcomes) for the next five years. The outcomes and priorities work together and have equal importance.
- 5.6 Of particular relevance to this proposal, under the heading ‘New Housing and Infrastructure’ it states that ‘*National infrastructure schemes must take far better account of protected landscapes: There are an increasing number of proposals for new national infrastructure including road and rail schemes, pipelines and cable routes that could cut through the National Park. Solutions must be found to avoid or reduce the impact of such schemes and to achieve net gain for the environment.*’
- 5.7 In addition, the following outcomes and priorities are relevant to this proposal:
- Outcome 1: landscape & natural beauty. For this outcome the priorities include:
 - Priority 1.1 protect landscape character. To protect and enhance the natural beauty and character of the SDNP and seek environmental net-gain from any infrastructure projects.

- Priority 1.2 create green infrastructure. To improve green and blue infrastructure to deliver nature recovery networks and connect people to nature within and around the SDNP.
- Outcome 5: outstanding experiences. For this outcome the priorities include:
 - Priority 5.2 Improve accessibility. To improve accessibility through a network of high-quality routes connecting communities with the landscape, heritage, attractions and transport hubs and gateways.
 - Priority 5.3 Encourage Sustainable Transport. To encourage sustainable access into and around the SDNP, encouraging the retention and expansion of rural transport services.

South Downs Integrated Landscape Character Assessment

- 5.8 The South Downs Integrated Landscape Character Assessment (SDILCA) was last updated in 2020. It is an aid to decision making, helping to understand the landscape, identifying what is important and special about it, and how it may change in the future. As a document it is intended to guide change and development so that it does not damage the characteristics or value of the landscape. It also helps to identify ways that the 'character of place' can be maintained and improved. SDNPA uses the SDILCA to help understand the landscape character of the National Park and ensure that development proposals conserve and enhance landscape character. The SDNPA considers it of key relevance to the assessment of this proposed development.
- 5.9 SDILCA defines 19 general landscape types within the National Park as well as 55 more place-specific 'character areas'. The proposed M3 Junction 9 Improvement Project is within three general landscape types, Open Downland, Major Chalk Valley Floodplains and Major Chalk Valley Sides; and more specifically A5 - East of Winchester Open Downs, F5 - Itchen Floodplain and G5 - Itchen Valley Sides Landscape Character Areas. As shown in Figure 3 below.



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Figure 3 – Extract from South Downs Integrated Landscape Character Assessment (2020)

5.10 The SDILCA helps inform the assessment of impacts on landscape character that would be caused by the development proposal. In the case of the three character areas, A5 (East of Winchester Open Downs) is identified as being characterised by chalk scenery typical of the Open Downs landscape type. The main difference between this area of Open Downland and others found across the National Park is that whilst this character area is dominated by large fields these reflect 18th – 19th century planned enclosures and modern fields are relatively scarce. Due to the strong sense of openness and exposure this character area is identified as being highly sensitive to change. The description of the character area acknowledges that the existing M3 causes severance within the area, and that the sense of tranquillity and remoteness is diminished due to the proximity of this major transport route. The SDILC identifies key landscape management and development considerations for this character area such as:

- avoid eroding the intact 18th – 19th Century planned enclosure landscape pattern;
- prevent further fragmentation of the Open Downs by roads and development;
- seek opportunities to reduce the impact of visually intrusive elements such as the infrastructure and traffic associated with the M3, A272 and A31, and
- consider use of whisper tarmac on major routes such as the M3 to reduce traffic noise.

5.11 Character area F5 (Itchen Floodplain) is identified as being characterised by its high biodiversity, as highlighted by its many nature conservation designations which

incorporate a diversity of habitats including woodland, pastoral fields, and flood meadows. The description notes that its overall tranquil quality is disrupted in place by the audible ‘hum’ of traffic. Key landscape management and development considerations are to ensure that any future traffic regulation and road upgrades associated with the M3, A34 and A31 are integrated into the rural valley landscape and that any signage is sensitively detailed, and to pay particular attention to the varied nature of views throughout the area and in particular the panoramic views from St Catherine’s Hill in relation to any change within the floodplain.

- 5.12 Character area G5 (Itchen Valley Sides) is identified as being characterised by smoothly rounded valley sides carved from chalk, which are generally less steep than the valley sides of the major chalk valleys in east of the National Park. This area is a transitional landscape between the valley floor / floodplain and the Open Downland. As with Character Area F5, the description of the character area acknowledges that its overall tranquil quality is disrupted in place by the audible ‘hum’ of traffic. Key landscape management and development considerations are, to ensure that any future traffic regulation and road upgrades associated with the M3, A34 and A31 are integrated into the rural valley landscape and that any signage is sensitively detailed, and that particular attention should be paid to the panoramic views from St Catherine’s Hill in relation to any change within the valley.

The People and Nature Network (PANN)

- 5.13 The People and Nature Network – Green Infrastructure in the South Downs National Park and Wider South East (March 2020), referred to as PANN, sets out how a wide range of partners can work together to plan positively for nature and natural services within and surrounding the protected landscapes of the South East. This is in recognition that nature, and the provision of natural ecosystem services do not follow administrative boundaries.

- 5.14 The associated Evidence and Action Report identifies Winchester and Itchen area as a ‘Natural Capital Investment Area’. These investment areas are identified as ‘hot spots’ for environmental interventions. The relevant identified strengths, weaknesses, opportunities and threats are set out below:

Strengths

- Gateway at the western extremity of the South Downs National Park;
- The large river valley passes through the historic city of Winchester, providing immediate access to semi natural greenspace for city dwellers together with St Catherine’s Hill SAM, and
- Pilgrims Way, the South Downs Way, and the Itchen Way provide long distance recreational routes from Winchester along or across the river valley.

Weaknesses

- River Itchen SSSI and SAC as requires quality improvements;
- Fragmented rights of way network beyond the river corridor;
- The M3 forms a barrier between Winchester and the National Park, and
- Proximity of the river corridor to the city creates pressure for development and impacts from major infrastructure.

Opportunities

- Natural blue-green corridor offering potential for multifunctional improvements – water quality, flood management, habitat connectivity and recreation;

- River Itchen Site of Special Scientific Interest is 66% favourable / unfavourable recovering;
- Improving access for residents to natural green space;
- Opportunities for habitat connectivity – chalk downland east of Winchester, River Itchen valley;
- Utilise natural water management, e.g., Winnall Moors;
- Blue-Green corridor links to ‘Planning for South Hampshire’ area (PfSH) area, scope for joint working around M3, and
- Areas of high demand for noise regulation around the M3 and areas within the town centre.

Threats

- The high biodiversity value sites of the river valley provide accessible greenspace but pressure for housing is increasing recreational pressure on these sites;
- The River Itchen special area of conservation and SSSI are in ‘recovering’ condition and are rich in biodiversity; they are therefore more vulnerable to changes in both water quantity and quality (nutrient enrichment from waste water, road runoff) along with physical modification and siltation;
- Pressure of development adjacent to or in close proximity to the River Itchen have potential impact on both water quality and water quantity;
- Noise regulation & air quality, and
- Inappropriate management by landowners along the River Itchen could affect its quality.

East Winchester Landscape Conversation

- 5.15 Following the work associated with the PANN (see above), East of Winchester was selected as a pilot area for the SDNPA working collectively with partners and stakeholders to look at how to protect and enhance the landscape east of Winchester area for the long term.
- 5.16 The document created, the ‘East Winchester Landscape Conversation’ (June 2021) is a reference document to inform projects and initiatives and to aid collaboration. It sets out a ‘forward plan’ including high level principles for separate projects coming forward and an over-arching vision for the landscape.
- 5.17 The Strategic Actions identified that are of key relevance to this project are set out below:
- Deliver a green bridge and other package of measures in and around the M3 Junction 9. The package of measures is attached in **Appendix B**. The overall aim of these measures is to reconnect the City of Winchester to the wider landscape and restore it as a gateway to the South Downs;
 - Improve the landscape corridor of the M3 through working at scale to achieve Chalk Grassland creation and native tree and hedge planting;
 - Target new measures where they will provide most benefits for ecosystem services - like clean water, noise reduction, air pollution reduction, habitat connectivity;
 - Undertake improvements to the A34 / M3 rights of way underpasses to increase their accessibility and perception of personal safety;

- Develop an access, connectivity and interpretation strategy for the rights of way network around the M3 to address the severance caused by the road, including creating new public rights of way and creation of new circular routes focusing on improving access from urban area;
- Creation of new vistas and views as destinations along recreation routes. Enhance existing viewpoints, such as St Catherine’s Hill and Cheesefoot Head and other heritage assets;
- Work with landowners to target biodiversity enhancement in areas where biodiversity is known to be poor or poorly connected;
- Creation of new woodland and management of existing connecting habitats, and
- Seek opportunities to increase the use of natural flood management techniques.

Supplementary Planning Documents

5.18 The SDNPA has an adopted Design Guide, Supplementary Planning Document (July 2022) which sets out the process and guidance on the ‘landscape-led’ approach to good design as set out in Policy SD5 of the South Downs Local Plan.

5.19 It highlights the definition of landscape-led approach to design as being, ‘Design, which is strongly informed by understanding the essential character of the site and its context (the landscape), creates development which speaks of its location, responds to local character and fits well into its environment. It needs to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and create sustainable and successful places for people.’

Technical Advice Note: Dark Skies (2021)

5.20 The South Downs National Park is an International Dark Sky Reserve, designated in May 2016. The SDNPA has produced a Dark Skies Technical Advice Note Version 2 (May 2021) to support Policy SD8 of the South Downs Local Plan. This technical advice note sets out guidance on the SDNPA’s approach to lighting design and the protection and enhancement of dark skies. Its aim is to provide developers and planners with the necessary information to submit and assess lighting schemes which are appropriate to the landscape.

6. Planning Issues and Relevant Policies and Guidance

Principle

6.1 The National Policy Statement for National Network (paragraph 5.150, NPSNN, December 2014) and the National Planning Policy Framework (paragraph 176, NPPF, July 2021) set out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues.

6.2 The NPSNN (paragraph 5.151), NPPF (paragraph 177) and Policy SD3 of the South Downs Local Plan (SDLP) explain that planning permission will be refused for major developments in the National Park, except in exceptional circumstances, and where it can be demonstrated that they are in the public interest. The policy explains 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 permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing elsewhere outside the National Park, 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.
- 6.3 Paragraph 5.152 of the NPSNN 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.
- 6.4 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.
- 6.5 SDLP Policy SD3 continues that if it is considered that exceptional circumstances exist and development would be in the public interest, all opportunities to conserve and enhance the special qualities of the National Park should be sought.
- 6.6 In response to what is often referred to as the ‘major development test’, 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 National Park boundary being to the east and west of it), there is limited scope for developing outside the National Park. However, Policy SD3 and more specifically NPSNN requires, as part of this major development test, that any detrimental effects on the environment, landscape and recreational opportunities are assessed as well as identifying the extent to which they could be moderated.
- 6.7 The SDNPA is concerned over the extent to which the detrimental effects to the environment, landscape and recreational opportunities have been moderated and, in accordance with NPSNN paragraphs 5.152 and 5.153, whether any benefits of the scheme outweigh the costs *very significantly* (our emphasis) and whether the scheme will be carried out to high environmental standards and includes measures to enhance the environment.
- 6.8 The proposal involves land take from the South Downs National Park which results in significant adverse and permanent impacts on its special qualities.
- 6.9 The SDNPA does not therefore consider that the proposed development currently accords with both National and Local policies, nor with the statutory requirement to conserve and enhance. The main negative impacts relate to:
- Landscape character, this includes changes to the topography through cuttings and false cuttings as well as re-profiling of existing land form to facilitate the proposed road widening and associated works, including proposed mitigation measures;
 - The location and design of the drainage and infiltration features, and
 - The location of the central temporary construction compound and associated haul roads / access tracks.

Landscape

- 6.10 SDLP Policy SD1 explains that planning permission will be refused where development proposals fail to conserve the landscape or natural beauty of the National Park, unless, exceptionally, the benefits of the proposal demonstrably outweigh the great weight to be attached to these interests. SDLP Policy SD4 states that development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that, for example, proposals are informed by that landscape character, reflecting the context and type of landscape in

which the development is located. The design, layout and scale of proposals should conserve and enhance existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape.

- 6.11 SDLP Policy SD5 requires a landscape led approach to design that makes a positive contribution to the overall character and appearance of the area. SDLP Policy SD6 states development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park.
- 6.12 SDLP Policy SD11 states development proposals will be permitted where they conserve and enhance trees, hedgerows and woodlands and a proposed loss of trees, woodland and hedgerows should be avoided, and if demonstrated as being unavoidable, appropriate replacement or compensation will be required. In addition, opportunities should be identified and incorporated for planting of new trees, woodland and hedgerows. New planting should be suitable for the site conditions, use native species and be informed by and contribute to local character, and enhance or create new habitat linkages.
- 6.13 SDLP Policy SD42 states that development proposals for new or improved infrastructure will only be permitted where the design minimises the impact on the natural beauty, wildlife and cultural heritage of the National Park.
- 6.14 The SDNPA considers that the development proposed is not in accordance with SDLP Policies SD1, SD3, SD4, SD5, SD6, SD11 and SD42 (and the associated Design Guide, Supplementary Planning Document, July 2022), nor would the proposal meet the statutory purpose of conserving and enhancing the National Park. The significant negative impacts are:

- 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 leading to significant harmful impacts.

The SDNPA will continue discussions with the applicant and has requested a shaded relief plan to show a comparison between the existing topography and the proposed topography. Currently, the proposed contours are only shown on the Environmental Masterplan (EM, Figure 2.3 in the application document APP-062) and due to the amount of information on the EM, they are difficult to read. A shaded relief plan will be the easiest way for the Examining Authority to understand the proposed changes in level and should be provided. Once the above information has been received, the SDNPA will be able to provide more detailed comments on the topography.

The SDNPA is also has concerns with the submitted LVIA ((landscape and visual impact assessment) and in particular accompanying visualisations (as set out in application document APP-069). Whilst we agree with the conclusions that the proposal will cause significant adverse harm, we are concerned that the LVIA underestimates the effects. For example, in Viewpoint 14 trees are shown along the edge of the motorway which are proposed to be removed. Therefore, the SDNPA is not able to fully assess the impacts or the effectiveness of mitigation / enhancement measures. We have shared our concerns with the applicant and will be able to respond fully when further information / clarification is provided.

- b) *Vegetation Clearance* - including the tree removal along the eastern edge of the M3, currently the trees / vegetation softens the interface between the motorway and the SDNP. The loss of this vegetation would have negative impacts by opening up views of the motorway corridor, and the new infrastructure and increased activity within it. It would also open up views across the valley towards built up parts of Winchester.

It would appear that most of the proposed vegetation loss is unavoidable as it relates to vegetation within the footprint of the currently proposed works. The SDNPA would want to see that advanced planting is undertaken to minimise the opening up of views as much as possible and that further information is provided now (for the SDNPA to comment upon) and secured within the DCO Requirements (i.e. the timing, type and minimum standards required for the advanced planting).

- c) *Main / Central Construction Compound* – in the proposed location it will protrude into, and exacerbate the negative impact of the proposed works on, the National Park. The SDNPA considers there are alternative locations for the compound, outside of the National Park, which should be given further consideration.
- d) *Proposed swale and attenuation ponds* – the form and location of the swale and attenuation ponds (and the associated earthworks required) would have a negative impact (the key example being the loss of Open Downland but also impacts to the setting of the Abbots Worthy Conservation Area) and this would be exacerbated by proposals to enclose the pond with scrub and woodland planting – the type of planting which is currently largely restricted to the lower valley sides and valley floor.

There are no plans which show the proposed contours for the attenuation pond. Neither its proposed depth, nor the steepness of its slopes. However, with a footprint of approximately 4,200m², it would be seen as a large engineered feature in the landscape. Further information should be provided by the applicant explaining the detailed design of the attenuation features and the swale, and the measures taken to ensure that any potential environmental benefits of these features have been maximised.

The SDNPA also has significant concerns about the proposed limits of deviation of up to 5.0 metres as currently set out in Part 2, Principal Powers, Section 8(c) of the draft DCO (application document APP-019).

- e) *Chalk Grassland and farmland interface* – Whilst the provision of Chalk Grassland is a positive attribute of the proposed scheme, the details proposed within the landscape east of the M3 would establish an artificial new line or sub-division within the Open Downland. The proposed sub-division (and associated different management regimes) would establish a new pattern in the landscape, which would not correspond to any existing or historic patterns.

The SDNPA acknowledges that the applicant has stated that they are examining the possibility of extending the Chalk Grassland across the remainder of the arable field using ‘Designated Funds’ and have explained that whilst this would be a beneficial outcome, it will not be included as part of the DCO Requirements because it would require changes to the permanent land take and no additional Chalk Grassland is required to mitigate the impacts of the proposed scheme. However, when all of the works are taken into consideration, the overall impact of the proposals on the SDNP is significantly negative and it does not conserve or enhance the National Park. Therefore, further measures are required, and in our 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 and this should be secured through the DCO Requirements.

- f) *Chalk Grassland as mitigation* – the SDNPA considers the principle of providing Chalk Grassland has a positive impact and complies with the objectives and policies set out in Section 5. However, the application includes separate sections for embedded and essential mitigation measures. In particular, at Paragraph 7.8.4 fourth bullet and Paragraph 7.8.7 third bullet of Document 6.1 Environmental

Statement Chapter 7 Landscape and Visual (application document APP-048), the applicant attributes the Chalk Grassland proposals to both embedded mitigation and essential mitigation. The SDNPA considers this is double counting. 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.

In addition, the SDNPA considers that an appropriate Section 106 planning obligation is required to mitigate and offset the harm the development would cause to landscape character by delivering agreed and significant additional landscape enhancements within the local area (as highlighted in Appendix B). In the current absence of such agreed obligations the proposal is considered to cause significant harm to the setting of the National Park.

- g) *Proposed Vegetation* – for example, 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. In some areas, the proposed tree planting is narrower than the existing level of tree cover that would be removed, which is up to 25m in width.

Again, the DCO Requirements should be strengthened to provide clear stipulations to ensure the timing, type and minimum standards required for the advanced planting.

- h) *Chalk Grassland on embankments and areas of fill material* – The SDNPA would query the proposals to manage lower embankments alongside the M3 as Chalk Grassland as these areas, due to their location and gradients, are likely to be difficult to access and manage to achieve the establishment and long-term success of Chalk Grassland that is species rich. The commitments in the First Iteration Environmental Management Plan (application document APP-156), Outline Landscape and Ecological Management Plan (application document APP-102) and DCO Requirements (application document APP-019) need to be strengthened to ensure the long-term success of any proposed new Chalk Grassland, the current proposed 5-year landscape establishment period is insufficient.
- i) *Proposed Public Rights of Way* – whilst the principle of providing new and improved public rights of way is positive, not enough attention has been paid to mitigating the negative effects of the roads to achieve the benefits that are being claimed. For example, the right of way alongside the A33/A34 is very close to the proposed carriageway and therefore unlikely to be an attractive route. Further consideration on design measures is needed to make the routes safe and attractive, such as providing bunds between the routes and the carriageway and / or additional planting.

Tranquillity, including Noise

- 6.15 SDLP Policy SD7 states that development proposals in the National Park will only be permitted where they conserve and enhance relative tranquillity.
- 6.16 Tranquillity is considered to be a state of calm and quietude and is associated with a feeling of peace. It relates to quality of life, and there is good scientific evidence that it also helps to promote health and well-being. It is a perceptual quality of the landscape and is influenced by things that people can both see and hear in the landscape around them. It is one of the National Park's special qualities.
- 6.17 The South Downs National Park Tranquillity Study (2017) sets out relative tranquillity across the National Park. As highlighted in Section 5 above, it is

acknowledged that the overall sense of tranquillity is diminished nearer to the existing M3.

- 6.18 The applicant acknowledges, within various application documents, that the proposal would have a significant adverse impact on the sense of tranquillity, contrary to Policy SD7. The SDNPA agrees with this conclusion.
- 6.19 The SDNPA acknowledges there are proposals to mitigate for noise impacts and welcomes the specific reference in the First Iteration Environmental Management Plan (application document APP-156), to the use of 'low noise road surfacing' and the draft DCO Requirement 14 (application document APP-019). However, there does not appear to be clear proposals to mitigate the impact (or compensate) for the harm caused to tranquillity, one of the National Park's special qualities. The SDNPA is willing to continue to work with the applicant to address this concern to ensure compliance with SDLP Policy SD7.
- 6.20 The SDNPA also notes that the DCO Requirement No: 3 would limit construction working hours, including fewer working hours on Saturdays and that any additional changes to working hours would be agreed with the Local Planning Authority. The SDNPA considers the proposed working hours would help to lessen the negative impacts on tranquillity during the construction phase at least.

Dark Night Skies

- 6.21 The South Downs National Park is an International Dark Sky Reserve, designated in May 2016. The quality of dark night skies is also influenced by what takes place beyond the National Park boundary. The SDNPA has worked with many Local Authorities to try to reduce light pollution in locations surrounding the National Park.
- 6.22 Within the South Downs National Park planning policies are in place that seek to conserve and enhance the intrinsic quality of dark night skies. SDLP Policy SD8 states that development proposals will be permitted where they conserve and enhance the intrinsic quality of dark night skies. It also requires that development proposals must demonstrate that all opportunities to reduce light pollution have been taken and that the measured and observed sky quality in the surrounding area is not negatively affected, having due regard to the following hierarchy:
- That the installation of lighting is avoided; and
 - If lighting cannot be avoided, it is demonstrated to be necessary and appropriate, for its intended purpose or use:
 - Any adverse impacts are avoided; or
 - If that is not achievable, then adverse impacts are mitigated to the greatest reasonable extent.
- 6.23 The SDNPA welcomes the general approach by the applicant to avoid and minimise the impacts of lighting and the statement, including the commitments in the First Iteration Environmental Management Plan (application document APP-156), that lighting would be designed in consultation with the SDNPA and in accordance with the SDNPA's Dark Skies Technical Advice Note Version 2 (May 2021), which accompanies Policy SD8.

Biodiversity

- 6.24 In summary, SDLP policies SD9 and SD45 highlight that development proposals should only be permitted where they conserve and enhance biodiversity (giving particular regard to areas with high potential for priority habitat restoration or creation) and where they demonstrate they maintain or enhance green

infrastructure (GI) and where they harm GI they must incorporate measures that sufficiently mitigate or off set effects. The current proposal would have negative impacts and is therefore contrary to the policies SD9 and SD45. The SDNPA would like to make the following comments:

- a) See comments under landscape set out above, including the potential double counting within the embedded and essential mitigation measures;
- b) 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 (including insufficient establishment periods for the landscape proposals);
- c) Linked to the above point, the DCO Requirements should provide clear future management and maintenance plans covering a suitable time period appropriate for the types of planting / mitigation measures proposed. The application documents refer to the negative landscape harm being severe for 15 years post opening, yet the general post opening project evaluations only refer to 5 years after opening;
- d) The SDNPA welcomes discussions with the Environment Agency regarding enhancements to the River Itchen as part of a project potentially funded under their 'Designated Funds' regime. However, these cannot be currently considered as part of the assessment of this application as they are not secured in anyway. The SDNPA considers that those enhancements should be provided as part of the DCO Requirements, through a suitable worded obligation within a Section 106 legal agreement;
- e) Further information is required regarding protected species including bats, dormouse, badgers and birds. In addition, there could be negative impacts on small animals and amphibians having safe passage to the various habitats in and around the road scheme. The SDNPA would like to see and comment upon any draft mitigation and compensation strategy (secured through the DCO Requirements) and Natural England comments in order to be confident that the measures proposed are appropriate and they conserve and enhance the special qualities of the National Park, and
- f) Water voles – the SDNPA agrees with and supports previous comments made by the Environment Agency, that the Outline Landscape and Ecological Management Plan (application document APP-102) should be amended to acknowledge that should Water Voles be present in any of the wetland, ditch, or watercourse features on site, then the approach to mowing of banks should be amended to minimise disturbance and reduce habitat loss and maintain vegetation cover.

Cultural Heritage, including Archaeology

- 6.25 Notwithstanding the comments above regarding landscape impacts (and in particular the loss of historic field patterns), the SDNPA agrees with the conclusions of the applicant's Environment Statement (Chapter 6 Cultural Heritage – application document APP-047)) on the issue of cultural heritage including archaeology. Although permanent adverse impacts to buried archaeological assets will occur, these can, in this case, be satisfactorily mitigated.
- 6.26 The SDNPA is generally satisfied that the DCO Requirements (application document APP-019) and First Iteration Environmental Management Plan (application document APP-156) complies with SDLP Policies SD12 and SD16.

- 6.27 However, the SDNPA does have the following points of clarification (which have been shared with the applicant):
- a) Request that the DCO Requirements and First Iteration Environmental Management Plan are explicit that any consultation with the 'City Archaeologist' also references consultation with the SDNPA's archaeologist / advisor as well (where relevant) to avoid any confusion in the future;
 - b) Section 3.3 of the Archaeology and Heritage Outline Mitigation Strategy (application document APP-096) confirms that areas of both cut and fill will be subject to archaeological mitigation *where existing overburden to be removed / a strip is required*. All areas of fill (including those where any overburden is not to be removed / the area striped) may result in compression effects to archaeological remains and so should be subject strip, map and excavation mitigation;
 - c) The First Iteration Environmental Management Plan (and subsequent iterations) should ensure archaeology is considered in the Soil Management Plan;
 - d) Although archaeological outreach and public engagement related to pre-construction / construction phase archaeological mitigation work and at the operational phase (e.g. information panels / use of digital technology / heritage trails) is referenced in the First Iteration Environmental Management Plan (Enhancement – Cultural Heritage - EHI), this is not explicitly linked to any draft DCO Requirement. It is suggested that this element of archaeological mitigation and enhancement is more explicitly covered in the Archaeology and Heritage Outline Mitigation Strategy (and subsequently in more detail in the future final Archaeology and Heritage Mitigation Strategy / Written Scheme of Investigation) and thus is linked to draft DCO Requirement 9;
 - e) Strategies for on-site interpretation and digital interpretation should be agreed between all relevant parties, including the SDNPA, Winchester City Council, National Highways and their consultants and potentially also Historic England, and
 - f) Further details are required on the detailed mitigation package relating to archive deposition (para. 5.1.1 Archaeology and Heritage Outline Mitigation Strategy; draft DCO Requirement 9 (6)). The SDNPA is concerned that given the lack of space currently affecting collecting capacity of archaeological archiving repositories across the South East suitable provision needs to be secured by the applicant. There should also be appropriate financial recompense built into the archiving process, given major infrastructure projects of this kind often have a significant impact on archaeological archive stores, many of which are publicly funded. The SDNPA considers that an appropriate S106 planning obligation is required to mitigate the harm.

Water Environment including Drainage and Flood Risk

- 6.28 The SDNPA generally agrees with the conclusions of the applicant's Environmental Statement (Chapter 13 Road Drainage and the Water Environment, application document APP-054) and is satisfied that the First Iteration Environmental Management Plan and DCO Requirements adequately addresses the issue of flood risk and impacts to the River Itchen and its floodplain and the issue of water quality (including risks to ground water). Therefore, the proposal accords with SDLP Policies SD10, SD17 and SD49. However, also see relevant comments above under Biodiversity.
- 6.29 On the issue of drainage, whilst the principle of the overall strategy of a mixture of infiltration and conveyance drainage with discharge points into the River Itchen are considered acceptable, as set out in the landscape section above, the proposed swales and attention ponds are considered to have an overall negative impact.

Highways, including Public Rights of Way

- 6.30 The SDNPA acknowledges that Hampshire County Council, as the Local Highways Authority, will be making representations regarding the highway issues. The SDNPA wishes to make the following comments regarding the impacts to the National Park.
- 6.31 Given the scheme objectives from the applicant (as set out in various application documents, a key one being the improve flow and reduced journey times to and from the M3 and A34), the SDNPA would question whether the benefits significantly outweigh the costs, and the significant adverse harm to the National Park, when in particular journey times seem to have a marginal improvement.
- 6.32 In relation to impact on the local highway network within the National Park, the SDNPA would support Hampshire County Council's position, that an area of specific concern relates to the operation of the A33 / B3047 junction (often referred to as the Cart and Horses junction). The proposed development will result in an increased level of traffic through this junction. Whilst part of the road / junction is included within the DCO application (the approach to the junction from the south), the junction itself is excluded with no works proposed. The proposed scheme will have negative impacts on the local road network, 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.
- 6.33 The issue of the central compound and associated haulage / access road has been addressed in the landscape section above.
- 6.34 The proposed improvements to existing walking and cycling routes and the creation of the new bridleway on the eastern side of the M3 generally has a positive impact. However, the SDNPA has the following comments which would help to mitigate the negative impacts:
- a) The DCO Requirements should set out the minimum widths of all the proposed footpaths / cycleways / bridleways including the subways – the applicant has been asked to clarify where the subway routes will be segregated or unsegregated as this could have an impact on the minimum width. In addition, the DCO Requirements should clearly state the legal status (such as clarity around whether they are footpaths, restricted byways or bridleways for example) of the completed works / routes (to ensure legal requirements and future management / maintenance requirements are clear).

The SDNPA reserves the right to make further comments when the applicant provides further information and should the DCO Requirements be amended, as currently various application documents refer to 'minimum standards' but these are not often what would be expected as 'best practice' (for example LTN 1/20 at 5.3 refers to ideal headroom's at underbridges and subways and 5.5 refers to cycle lane widths due to physical constraints such as vertical features);
 - b) The current proposed diversion routes, particularly for the temporary replacement for the National Cycle Network (NCN23), needs further consideration due to the negative impacts which will be caused to users of those proposed diverted routes. The DCO Requirements should be amended to ensure that before a temporary route is brought into use, the Local Planning Authorities and Local Highway Authority, in consultation with local access groups (including Cycle Winchester, the Ramblers Association and the British Horse Society), are consulted and agree to any diversion route. This is also linked to the comment below about the DCO Requirements including a phasing plan, as early

advanced warning will enable wider communications / notifications to all users of the routes;

- c) There are missed opportunities, such as at public rights of way alongside the River Itchen and at the 'Cart and Horses Junction' to provide additional planting of hedgerow / grasses / 'living walls' to screen rights of way from the carriageway, improving safety, feel and attractiveness to non-motorised users;
- d) The DCO Requirements should include a 'construction worker travel plan' that makes use of the nearby Winchester train station, bus station and Park and Ride facilities. Workers could arrive via public transport and be moved to the compound by a minibus service, thereby reducing the need and size of a central compound within the National Park, and
- e) The SDNPA considers that an appropriate S106 planning obligation is required to mitigate the harm through funding walking, cycling and horse-riding improvements in the surrounding area. For example, expansion of the Watercress Way and / or improvements to the western end of the South Downs Way between the M3 and Chilcomb village (as highlighted in Appendix B) to ensure the scheme delivers on the second statutory purpose of the National Park.

6.35 Notwithstanding the negative impacts caused by the proposed location of the central construction compound and the comments regarding a construction workers travel plan set out above, the SDNPA supports the inclusion of proposed DCO Requirement No: 11 (application document APP-019) that requires the submission and approval of a Traffic Management Plan for the construction phase of the proposed development. The SDNPA does, however, respectfully request that this document be submitted to and approved by the relevant Local Planning Authorities in consultation with the Local Highway Authority. Construction Traffic Management Plans give rise to local planning considerations (such as tranquillity and impacts on residents) and Local Planning Authorities are best placed and used to overseeing such documents, not least because they are ordinarily determined by them.

6.36 Overall, whilst the proposal will have some positive impacts particularly to the public right of way network, the SDNPA considers the current proposal has negative impacts on the local road network and has insufficient mitigation and enhancement measures. Therefore, the proposal is contrary to SDLP policies SD19 and SD20.

Air Quality

6.37 The SDNPA notes the conclusions of the applicant's Environment Statement (Chapter 5 Air Quality, application document APP-046) that the proposal during the operational phase is not predicted to result in a significant effect on air quality and that there will be short term impacts to residential properties during the construction phase.

Residential Amenity

6.38 During construction it is unfortunately inevitable that the works will give rise to localised disturbance to amenity and the SDNPA agrees with the applicant's conclusion that White Hill Cottage will experience major to moderate adverse impacts (as it is one of the residential units just outside / on the scheme boundary and is in very close proximity to the temporary haul route and the proposed central construction compound). Whilst the SDNPA acknowledges the measures within the First Iteration Environmental Management Plan and the DCO Requirements seek to mitigate the harm to residential amenity during the construction phase, this would be insufficient to address the negative impacts to the occupiers of White Hill Cottage.

- 6.39 In addition, insufficient consideration has been given to mitigating the negative impacts to White Hill Cottage during the operational phase. For example, the occupiers of White Hill Cottage will experience an increase in noise disturbance (as the new road is closer to the property) and the negative impacts of the proposed drainage features, including the limits of deviation which could allow for the drainage features and maintenance access being closer to the property. Therefore, the proposal is contrary to SDLP Policies SD5 and SD54 in this respect.

Open Access Land and Public Open Space

- 6.40 As a National Park, the SDNPA is the Relevant Authority for Access Land. The development proposal would have no effect on access to open land.
- 6.41 There is no loss of public open space in the National Park associated with the proposal and thus the development complies with SDLP Policy SD46 which seeks the protection of such space.

Geology and Soils, including Contaminated Land

- 6.42 The SDNPA generally agrees with the conclusions of the applicant's Environmental Assessment (Chapter 9 Geology and Soils, application document APP-050) and is satisfied that the First Iteration Environmental Management Plan and DCO Requirements adequately addresses the issue of geology and soils, including contaminated land, subject to the clarification ensuring that archaeology is considered in the Soil Management Plan. Therefore, the proposal accords with SDLP Policy SD55.

Material Assets and Waste

- 6.43 With the exception of the proposed reuse of spoil, addressed in the landscape section above, the SDNPA generally agrees with the conclusions of the applicant's Environmental Assessment (Chapter 10 Material Assets and Waste, application document APP-051) and is satisfied that the First Iteration Environmental Management Plan and DCO Requirements adequately addresses the issue of material assets and waste.

Socio-economic

- 6.44 The SDNPA has a statutory duty to 'foster the economic and social well-being of communities living within the National Park'. The applicant, and the SDNPA, acknowledge the permanent loss of agricultural land holdings within the National Park. The SDNPA generally agrees with the conclusions of the applicant's Environmental Assessment (Chapter 12 Population and Human Health, application document APP-053). However, the negative impacts on landscape character (including landscape amenity) and access (including public rights of way) are set out above.

Other Comments

- 6.45 Comments on the proposed DCO Requirements (application reference APP-019) are made under the topic specific headings above. However, the SDNPA also wishes to make the following observations. The remarks are set out in table format for ease of reference.

Section / Article	Page	Detail	Comment / Query
Part 4 Supplementary Powers, Section 34	25	Allowing the undertaker to remove any buildings and vegetation (b), and constructing temporary works (c)	These are rather arbitrary powers that conflict with the assurances and commitments given elsewhere in the development proposal (for example around the retention of vegetation). It is unclear why these powers would be required when the applicant has already assessed the vegetation it needs to remove within the Order limits and has made provision for a sizeable temporary construction compound.
Part 6 Operations, Sections 39 and 40	29	Felling or lopping of trees and removal of hedgerows, and Trees subject to tree preservation orders	This gives the applicant the ability to lop or fell any tree within or overhanging the Order limits. It also gives the applicant the ability to remove any hedgerows within the Order limits. This is a blanket power without any real constraint on its use. Given the rather arbitrary nature of this power it makes it difficult to understand and assess the actual tree and hedgerow loss associated with the development.
Part 7 Miscellaneous and General, Section 44	32	Defence to proceedings in respect of statutory nuisance	A statutory nuisance by its very definition is harmful. We do not consider that a defence against this should be written into the DCO. Rather the emphasis should be on managing and controlling such matters so as to ensure that a statutory nuisance does not arise.
Schedule 2, Requirements, Section 4	44	Details of consultation	4(3) should be amended to delete ' <i>taking into account consideration including, but not limited to, cost and engineering practicality</i> '. The requirement provides the applicant with sufficient flexibility without this additional wording.
Schedule 2 <i>The suggested Requirement is not currently included within Schedule 2</i>		Stages of Authorised Development	The SDNPA considers the DCO should include the following requirement, ' <i>The authorised development may not commence until a written scheme setting out all stages of the authorised development including a phasing plan indicating when each stage will be constructed has been submitted to each relevant planning authority</i> '. The DCO should be explicit about the stages / phasing plan.