

REPORT TITLE: RESPONSE TO CONSULTATION - M3 JUNCTION 9

28 AUGUST 2019

REPORT OF CABINET MEMBER: CLLR JACKIE PORTER, CABINET MEMBER FOR BUILT ENVIRONMENT & WELLBEING

Contact Officer: Julie Pinnock / Stephen Cornwell Tel 01962 848439 / 848485

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WARD(S): ALL AS THE IMPROVEMENTS AFFECT NATIONAL INFRASTRUCTURE

SPECIFICALLY JUNCTION AND SECTIONS OF IMPACTED M3/A33/A34 ROADS:

ST. MICHAEL
ST. BARTHOLOMEW
UPPER MEON VALLEY
ALRESFORD & ITCHEN VALLEY
THE WORTHYS

SPECIFICALLY SATELLITE COMPOUND:
THE WORTHYS

PURPOSE

Highways England have sought comments on their Preliminary Environmental Information Report (PEIR) which outlines the proposals that would result in improvements to Junction 9 of the M3. The Scheme is classed as a Nationally Significant Infrastructure project. Winchester City Council is the host authority and as such a formal consultee in the determination process.

This cabinet report sets out the background and current status of the M3 junction 9 improvement scheme. It considers a response to the PEIR. A consultation response must be submitted by 30 August 2019. Further information is required in relation to traffic flows and environmental considerations.

This item was not included in the August 2019 Forward Plan and the Monitoring Officer has therefore obtained the agreement of the Chair of Scrutiny Committee to this matter being considered at this meeting to enable the Council to submit its comments to Highways England by the deadline of 30 August 2019.

RECOMMENDATIONSThat Cabinet:

1. Notes the contents of this report.
2. Agrees the PEIR consultation response (attached as appendix D to this report) and endorses the approach to seek positive environmental benefits from the scheme having regard to the Climate Emergency declaration adopted 5 June 2019.
3. Authorises the Strategic Director: Services to negotiate and enter into a planning performance agreement with Highways England to enable the City Council to fully participate in the DCO process.
4. Agrees to delegate to officers, in consultation with the Cabinet Member for Built Environment and Wellbeing the role of responding to the planning inspectorate with regard to the Council's responsibilities as the host authority for the M3 Junction 9 improvement scheme Nationally Significant Infrastructure Project.
5. Agrees that a draft Local Impact Report will be prepared and brought back to Cabinet that sets out the basis for an initial formal response to the Scheme to be submitted to the Planning Inspectorate as part of the DCO application process.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The Junction 9 M3 improvement works are identified by the Secretary of State for Transport as nationally significant infrastructure project. It is necessary to secure the best possible environmental and other outcomes by active engagement in the Development Consent Order application process. This aligns with the improving the quality of the district's environment outcome in the Council Strategy.

2 FINANCIAL IMPLICATIONS

- 2.1 The financial implications associated with this scheme will need to be assessed prior to the formal examination stage when the DCO application is submitted and the Council makes a formal response on the proposal. Funds are required to enable active meaningful participation throughout the DCO process. A planning performance agreement is to be sought with the Highways England, as applicant, through which it is to be sought to recover the Council and identified external consultant costs for time spent on the project which enables meaningful participation.
- 2.2 The majority of the resources required to deliver these works will be internal staff time, significantly legal and planning officers. If any additional external support is required, for example due to resource pressures, then this is planned to be resourced from existing development management budgets.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The legal context for this report is set out in paragraphs 11.1 to 11.3. As a National Strategic Infrastructure project a defined process of determination and engagement must be undertaken. As a host borough the process includes statutory consultation whereby the City Council's considerations must be taken into account.
- 3.2 On 28 June 2019 Highways England notified the Secretary of State for Transport of an intention to make an application under s37 of the Planning Act 2008 for a Development Consent Order (DCO) to undertake the Scheme.
- 3.3 The Scheme is currently at the Preliminary Design Stage of the M3 Junction 9 Improvement Scheme and the current round of consultation is being undertaken as part of the Statutory Consultation process. An applicant requesting a DCO has a duty to consult under the Planning Act 2008 and to take into account responses to consultation prior to submission of the application to the Secretary of State for Transport.
- 3.4 Consultation must occur at a time when proposals are at a formative stage, with sufficient reasons to permit intelligent consideration and response and the product of consultation must be conscientiously taken into account in finalising an application. Following receipt of the DCO application the Planning

Inspectorate will invite host and neighbouring local authorities to submit representation on the adequacy of consultation and the Planning Inspectorate must have regard to any comments it receives from such authorities in deciding whether or not to accept an application.

- 3.5 Accordingly the Preliminary Environmental Impact Report has been prepared by Highways England in preparation for submission of the DCO application. Consequently the City Council's input to these documents is an important part of the process which forms the basis of later input to both the DCO application and assessment process and advises the Planning Inspectorate as to whether the City Council considers either are sufficient and why.
- 3.6 The DCO application/ assessment process enables local authorities to influence the preparation of a DCO application and local authorities are advised to engage proactively with a developer to engage in shaping a Scheme. The advancement of the response, a draft Local Impact Report and PPA will enable such active participation within the process. The City Council's role is to work with Highways England to:
- a) Ensure that as the applicant Highways England identifies, provides and responds to evidence on likely impacts;
 - b) Develops solutions for how any likely impacts may be avoided or mitigated;
 - c) Maximise legacy benefits for the community;
 - d) At the appropriate stage, consider the detailed terms of the draft Development Consent Order, including Requirements (planning conditions), planning obligations and legal obligations which may fall to the applicant or the City Council.

4 WORKFORCE IMPLICATIONS

- 4.1 A planning officer is acting as the main contact and drawing in other colleagues as required when formulating responses.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The development works are on Highways Agency land, therefore there is no direct impact on the Council's assets. Therefore the response to Highways England will draw on existing strategies, programmes and plans to ensure that the response is compatible and with the declaration of a Climate Emergency.

6 CONSULTATION AND COMMUNICATION

- 6.1 It is the responsibility of Highways England to engage with the relevant local authorities and the wider public. In formulating this response the views have been sought from a range of officers within the Council and these are included in the consultation response. Liaison has also taken place with colleagues at Hampshire County Council and at the South Downs National Park Authority.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The City Council will seek to ensure that the health impacts of the M3 junction Improvement Works are considered by Highways England through the environmental assessment reporting. Any adverse impacts identified will be placed before the Secretary of State for Transport and the Planning Inspectorate and be the subject of mitigation measures which the Council will work to secure throughout the DCO process by way of an agreement pursuant to s106 of the Town and Country Planning Act 1990.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 The City Council will seek to ensure that the equality and diversity issues are correctly identified and are considered by Highways England through the reporting and assessment process, that include a review of the Construction Methodology Statement. Any adverse impacts identified will be placed before the Secretary of State for Transport and the Planning Inspectorate and be the subject of mitigation measures which the Council will work to secure throughout the DCO process by way of an agreement pursuant to s106 of the Town and Country Planning Act 1990.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required.

10 RISK MANAGEMENT

- 10.1 The Council has declared a Climate Emergency; therefore there is the risk that a supportive response to the scheme is seen at odds with this decision. At this stage the Council is seeking further information with respect to environmental impacts of the works and mitigation to be included in the scheme. The Council will review and consider this further before responding again as part of the development consent order process.

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	N/A
<i>Community Support There will be members of the community that will welcome and support the scheme whilst others will oppose the principle of a large scale road scheme on environmental impact grounds.</i>	Request that Highways England ensures that the DCO is supported by the appropriate data and level of detail in its evidence base to enable the Council to make a balanced and informed response to the scheme.	Explore opportunities to include environmental enhancements as part of the highways works.
<i>Timescales</i>	N/A	N/A
<i>Project capacity The Council is involved in</i>	Produce a plan to identify and secure resources	Agree a Planning Performance Agreement

<i>several DCO schemes which require significant officer and technical resources to support the Councils position(s) which include the Highways England proposals for M3 J9.</i>	needed to support the DCO process.	with Highways England which includes additional resourcing for the Council Continually review the issues/ risks table to ensure that as these develop resources are met throughout the pre-application and application assessment process.
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i> Obligations as a statutory consultee not fulfilled. The draft DCO does not include the planning conditions, obligations and legal obligations which may be agreed.		Continually reassess the Council's input to the process to ensure it is robust and in keeping with Council policy. Continually review the Draft DCO for amendments.
<i>Innovation</i>	N/A	N/A
<i>Reputation</i> <i>See Climate Emergency declaration and Community Support above</i>		
<i>Other</i>	N/A	N/A

11 SUPPORTING INFORMATION

Background to Nationally Significant Infrastructure Projects

- 11.1 The M3 junction 9 improvement scheme, by Highways England, is classified as a Nationally Significant Infrastructure Project (NSIP) for which Winchester City Council (WCC) is the host authority. The Planning Act 2008 introduced the procedure under which projects considered to be nationally significant infrastructure may be assessed for approval. The Secretary of State for Transport may take the final decision regarding this proposal, reflecting the type of scheme under consideration.
- 11.2 If an applicant is successful, a Development Consent Order (DCO) is issued. This not a planning permission but a separate legal statutory instrument, being a secondary SI. The decision may include consents over a range of aspects, that include, planning conditions (known as Requirements), and compulsory purchase powers. Requirements” which form articles within a DCO, are similar to planning conditions. Any monitoring and enforcement that

is required are also the responsibility of the local planning authority (LPA). A link to the NSIP web page where further information can be found is below.

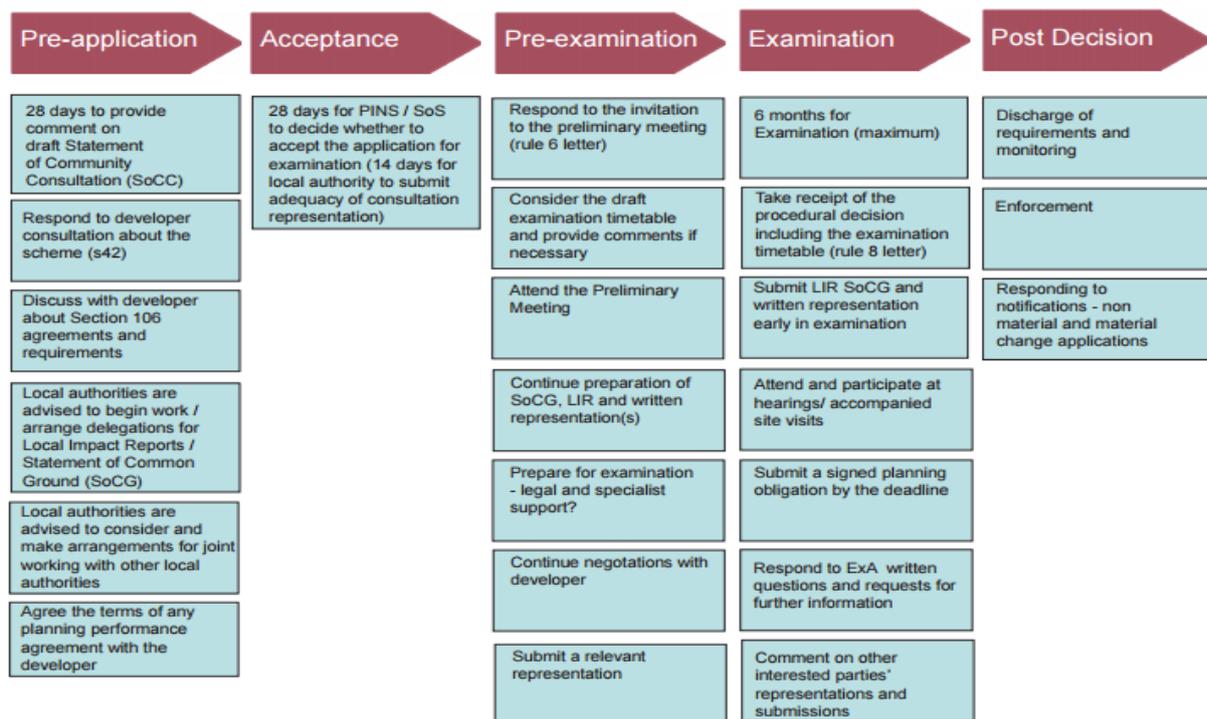
<https://infrastructure.planninginspectorate.gov.uk/>

The process of considering and making a decision on a NSIP goes through 5 distinct stages. The following is an extract from the advice note (The role of local authorities in the development consent process) which can be view via the following link:

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice_note_2.pdf

This sets out these stages and the main actions within each stage.

The role of local authorities



The applicant is expected to drive the proposal in the pre-application stage by developing the proposal and undertaking the required consultations with statutory bodies and the wider public. Local planning authorities are encouraged to engage with applicants at this stage to help shape and influence the nature of the proposal. Once the project is formally submitted to the Planning Inspectorate (PINS), the trigger for actions moves to PINS as they become the main figure.

The M3 Junction 9 Improvement Scheme

- 11.3 Highways England (HE) is promoting this project which is proposed to address long standing issues relating to the flow of traffic through the present junction. They describe the current situation as follows:

M3 Junction 9 is a key transport interchange which connects South Hampshire (facilitating an intensive freight generating industry) and the wider sub-region, with London via the M3 and the Midlands/North via the A34 (which also links to the principal east-west A303 corridor). A significant volume of traffic currently uses the grade separated, partially signalised gyratory (approximately 6,000 vehicles per hour during the peak periods) which acts as a bottleneck on the local highway network and causes significant delays for road users throughout the day. Northbound and southbound movements between the M3 and the A34 are particularly intensive, with downstream queues on the northbound off-slip of the M3 often resulting in safety concerns during peak periods.

- 11.4 Regarding a justification for the work the following is taken from a published note of a meeting between HE and PINS on 18 December 2018.

Highways England (the Applicant) explained that the M3 Junction 9 improvement project was identified within the Government's Road Investment Strategy: 2015 to 2020 (RIS 1) and is described as "M3 Junction 9 improvement: Upgrade to the junction to allow free movement from the A34 to the M3." The Applicant considered that the Development Consent Order (DCO), if granted, would significantly reduce traffic congestion, improve air quality and serve existing and future housing developments and accommodate increasing road traffic movements including traffic generated by Southampton Port, which is expected to expand.

The following is a link to the Highways England web site which contains more detailed assessments of the reasons behind the scheme and the alternative options that have been considered.

<https://highwaysengland.co.uk/projects/m3-junction-9-improvements/>

- 11.5 The red lined application site currently shows an area of 94 hectares of which 29 are outside the existing highway boundary. The application corridor stretches from the Bar End junction at the southern end, up the M3 broadening out at Winnall to include the existing junction and then a further section of the M3 beyond the South Downs National Park boundary, whilst on the A34 it runs up the point where the London railway line crosses the road. This area is shown on appendix A to this report. The area may be subject to change as the scheme is worked up. The above figure of 94 hectares includes an offsite satellite compound area, space for environmental mitigation and

areas for drainage requirements. The satellite compound relates to a piece of land on the east side of the A34 at its junction with the B3420 and A272.

11.6 The proposal will incorporate the following outcomes:

- provide free flow grade separate links between the M3 and A33/A34
- widen the M3 to 4 lanes
- construct a new dumbbell junction over the existing roundabout
- improve slip roads to and from the M3
- New subways improving access links between the SDNP, Winnall and Abbots Worthy.

The plan attached as appendix B shows the proposed scheme. Highways England has produced a fly through video of the scheme which can be found half way down the web page on the following link:

<https://highwaysengland.citizenspace.com/he/m3-junction-9-improvements-statutory-consultation/>

11.7 The proposal is still in the pre-application stage. It would appear that Highways England is seeking to progress this scheme as rapidly as possible and this is reflected in their timescale for future actions:

- A formal submission is expected in the first quarter of 2020
- The scheme is evaluated in 2021. This is the stage when the project will be subject to an examination when the nominated inspector or panel of inspectors will review all the written evidence and hold hearings to examine specific topics. At the end of the examination stage the inspector writes up a decision and presents this to the SoS who will then consider the recommendation before publishing a decision.
- If the DCO is granted then work starts in 2021.
- Scheme open 2023.

Engagement by Winchester City Council in the Process

11.8 In January 2019 the Council responded when consulted on the Environmental impact Assessment (EIA) scoping request. In June 2019 the Council made a number of comments on the Statement of Community Consultation which sets out the public consultation process that the applicant was proposing to follow.

Both of these responses dealt with technical/procedural matters. A lead officer identified to act as a hub, drawing in and co-ordinating responses from other colleagues within the Council to ensure a uniform and consistent response is presented. Discussions are underway with colleagues at Hampshire County Council and the South Downs National Park Authority who are also consultees under the NSIP procedure.

Response to the Preliminary Environmental Impact Report

- 11.9 On 2 July 2019 Highways England began a general 8 week consultation exercise on the scheme and also on the Preliminary Environmental Impact Report (PEIR). This document sets out the evidence base that they have accumulated to date. It is freely recognised by Highways England as having many gaps in the details. Nevertheless the Council is expected to respond. The deadline for comment is midnight on 27 August 2019. To enable Cabinet to review the consultation response, it has been agreed with Highways England that this deadline be extended until 30 August 2019 for the City Council. The current consultation and PEIR documents can be viewed on the Highways England web site by following these instructions: Click on the following link:

<https://highwaysengland.co.uk/projects/m3-junction-9-improvements/>

Note: scroll down to the box headed Project media files and documents. Click on the last heading in the box "Environmental 2019" and that will open up a range of documents.

- 11.10 The proposed response letter to the PEIR documents is attached as appendix D to this report. The paper will contain responses to the 10 topics outlined within the PEIR document drawing on comments from various officers within the Council. The Council is positively discouraged from seeking to undertake its own consultation exercise and advised to direct people to make comments directly to Highways England.

At this stage in the process the Council is not being invited to express a view on whether it would support or object to the scheme but rather to focus on the identification of the topic areas which need to be covered as part of the DCO assessment process including the depth of investigation that is required for each of these, and what mitigation or compensation is required to address any negative impacts.

- 11.11 One aspect which has emerged in recent months is how this project relates to the Climate Emergency declaration which will need to be considered when the Council looks at the proposals and responds to the consultations being carried out by Highways England. . The response to the current consultation

exercise (pre-application) must be sent by 30th August and further discussions can be undertaken with Highways England over the coming months. These discussions will take place before the WCC Climate Emergency action plan is prepared and published in December 2019. The approach that is being adopted in relation to the project is to consider and explore with Highways England the scope for positive environmental benefits which can be delivered by the scheme in terms of air quality, landscape, biodiversity, water quality and the general environment. This is reflected in the consultation response. None of the proposals set out in the consultation response is considered to conflict with the Winchester City Council Air Quality Action Plan, the City of Winchester Movement Strategy or the Car Park Major Works Programme.

11.12 It is also proposed to ask Highways England how they are proposing to respond to the Climate Emergency resolution passed by the UK Parliament in May 2019 and to raise concerns over the lack of detail in the consultation document relating to air quality, noise and road drainage and water quality. In these critical areas reference is made to outstanding research and analysis which means no specific information is available at this time. Whilst noting that the project is in the formative stage, the applicant should also recognise that this stage represents the maximum level of outreach to the public, which will not be repeated even at the formal submission stage. Accordingly, if they are to make a genuine attempt to engage with the public so they can make well informed comments, they must time any consultation at a point when an adequate level of detail is available. Part of the discussions with Highways England will be to explore how the process is kept open for the public to engage with it into the examination stage.

11.13 The following is intended to outline areas where it is proposed the Council seek positive outcomes from the scheme. The nature of the NSIP process means that these questions should be raised with Highways England as soon as possible whilst the scheme is still in its formative stage. To give some weight to any approach to Highways England, the following themes are proposed

General Environmental Work

11.14 Landscape enhancement work:

- mitigate/compensate for lost vegetation,
- new planting to help screen new works.
- new planting to mitigate/compensate for additional greenhouse gases resulting from the development.

- explore opportunities both inside and beyond the red lined Development Consent Order boundary. The need to consider landscape character traits which may mean weighing up merits of planting in terms of creating a screen against landscape character. This could mean leaving areas without tree planting but giving priority in them to developing chalk grassland.

11.15 Biodiversity enhancement work:

- explore works both inside and beyond red lined Development Consent Order boundary.
- consider impact of proposal on movement of wildlife, scheme accentuating existing barrier to movement of wildlife.
- measures exist to improve corridors for wildlife.
- the need to consider what happens to the “islands” of ground that are created by the road network which have no identified links back to the surrounding areas. Presumably they have some wildlife potential but suspect severance from their surroundings is a restriction on the development of their biodiversity.
- Installation of traps/filters to surface water drains to capture particulate matter coming off roads and vehicles.
- explore retrofitting traps/filters to existing drains that direct water into waterways that have conservation designation or feed into water features that have conservation designations.

General Motorway Issues

- Noise attenuation work to the section of M3 at southern end of red lined area where motorway upgrade (smart) means the hard shoulder is now an active lane resulting in shorter separation distance of residents of traffic. Will this occur anywhere else?
- Promote use of average speed cameras on M3 to even out traffic flows and avoid traffic stopping.

Explore ways to reduce through traffic during construction phase to ease congestion and reduce air pollution.

- With anticipated concerns with air quality during construction phase Highways England needs to explore if any opportunities exist to divert traffic onto other routes. For example, from London use A3(M) instead of

M3. From Midlands direct Poole/Weymouth traffic down M5 & along A37. Opportunities to use A303 may be limited but worth checking.

- Look for active message system that talk of length of delays and not just passive diversion signs.
- Explore measures to discourage through traffic leaving M3 (north or south bound) or A34 (south bound) when traffic on these roads is slow but not stopped. Weight restriction (access only) backed up by cameras may discourage HGVs from seeking a route through the city but discouraging cars will be more difficult.

Explore ways to reduce commuter traffic coming into city during the construction phase to reduce standing traffic

- Look for ways to increase capacity of existing park and ride facilities around Winchester.
- Use of smart technology displays on roadside and on apps to assist people in finding the Right Park and ride site where spaces are available.
- Look to bring forward the establishment of a number of park and ride facilities.
- Consider the feasibility of using the Highways England site compound up at the junction of the A34/A272/B3420 as this park and ride location.
- If a park and ride was established before construction begins it could be used by workers employed to undertake the work. They could be taken to the specific worksites by mini bus or buses. This would avoid those seeking parking spaces in the Winnall /Kings Worthy area.
- If a park and ride was established before construction began and open to public use this would take vehicles off roads, easing congestion and improving air quality.

Explore ways to reduce commuter traffic coming into city into the operational phase to improve air quality and general wellbeing of residents

- Retain car parking facility beyond the construction phase.
- Any new park and ride improvements needs to be future proofed with consideration given to electric vehicle recharging points and energy generation (solar panels) if opportunities present themselves.
- Any improvement to the park and ride capacity should be retained beyond the life of the construction phase.

- On the basis of a net gain to the overall car parking provision we could explore the feasibility of reducing some car parking provision within the city. That should create a net improvement in air quality.

Improving connectivity between the City, The National Park and Kings Worthy

- As part of the review of the junction improvement scheme we need to review the links for pedestrians, cyclists and horse riders between the City the National Park and Kings Worthy.
- To enable feedback into the assessment and pre-application process such as the formulation of Requirements (DCO Articles) and planning obligations need to be considered.

Employment and Skills Plans

We are promoting ESPs on major developments. It is likely Highway England have a preferred list of contractors to undertake the main work but there should still be opportunities for us to promote apprenticeships, the use of local firms as sub contractors (the landscaping work might be better suited to a local firm) and to promote wider career opportunities and some educational/learning role from the scheme.

It does need to be noted that with the Council acting as a consultee, we are not in a position to compel Highways England to adopt all or any of the above. However requests are able to be made and such requests will form the basis of the City Councils requested Requirements and planning obligations throughout the pre-application and application process.

Delegation Requirement

- 11.16 The Council's response prior to the DCO application is formally submitted for examination will be brought to Cabinet for agreement. That will be the appropriate time in the process to indicate if the Council supports objects or takes another position on the scheme. However, there are actions within the process that will require rapid responses that the published Cabinet cycle cannot accommodate. The guidance suggests that councils should resolve a level of delegation to enable officers to respond on those occasions, within the remit of the draft Local Impact Report, in consultation with the Cabinet Member for Built Environment and Wellbeing and this is reflected in recommendation 4 above.

12. OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 **Do Nothing:** To not respond to the Highways England consultation would not be fulfilling the City Council's obligations to participate in the process as a

statutory consultee. The City Council would miss its opportunity to influence the development of the Scheme and secure the best outcome for the community. Additionally a PPA, if secured, is based on the participation of the Council fully as a host authority which assists both the Council and Highways England to discharge their statutory duties.

12.2 To respond to the consultation as set out in Appendix D therefore ensures that the City Council fulfils its responsibility as a statutory consultee.

12.3 To amend the draft response in Appendix D in advance of its submission for the deadline of 30th August 2019, still ensures that the City Council fulfils its role as statutory consultee.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

None

Other Background Documents:

Statement of Community Involvement

Preliminary Environmental Information Report (on Highways England web site)

APPENDICES:

A Plan showing the Development Consent Order Boundary

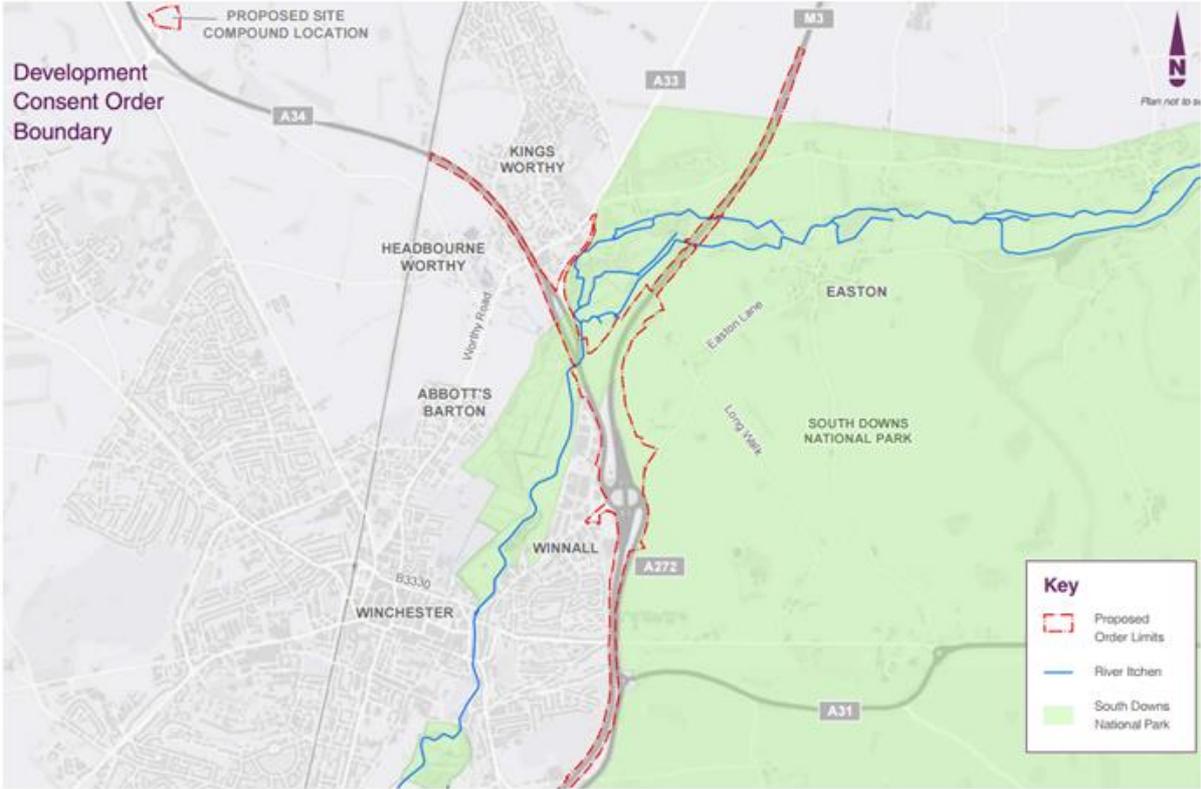
B Plan of Proposed Scheme

C Copy of Scoping response

D The proposed response letter to the Preliminary Environmental Impact Report Consultation.

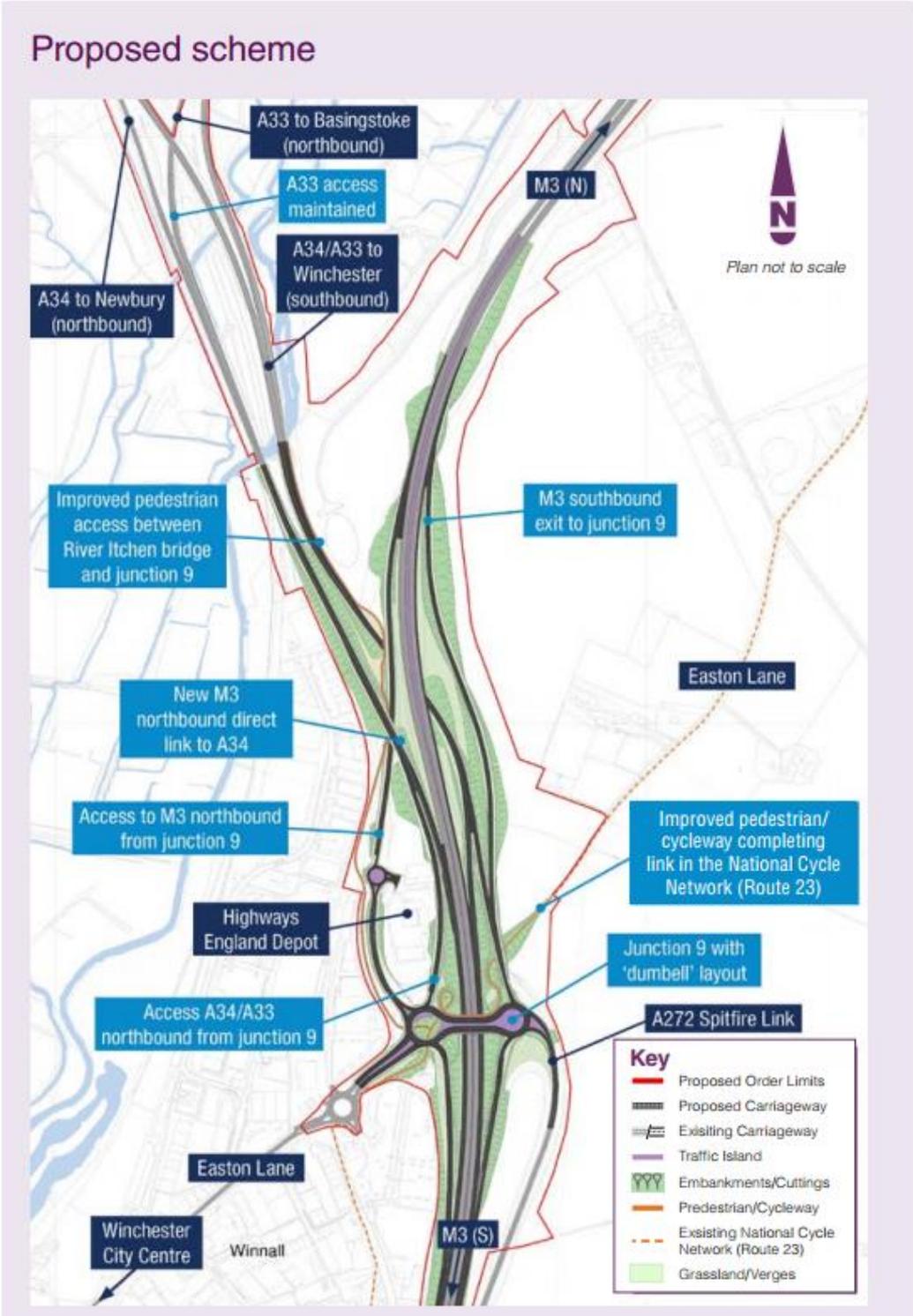
APPENDIX A

Development Consent Order Boundary



APPENDIX B

Proposed Scheme



APPENDIX C

EIA SCOPING RESPONSE

**Development
Management**

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Our Ref: 19/00224/SCOPE
Your Ref: TR010055
Enq to: Lorna Hutchings
Direct Dial: 01962 848290
Email: lhutchings@winchester.gov.uk

22 February 2019

Please quote 19/00224/SCOPE on all correspondence

Dear Sir/Madam,

Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project. At: M3 Junction 9 Easton Lane Winchester Hampshire Scoping Report submitted to the Secretary of State on 28 January 2019

The Planning Inspectorate has identified Winchester City Council Local Planning Authority as a consultation body which must be consulted before adopting its Scoping Opinion. You have asked us to:

- inform the Planning Inspectorate of the information you consider should be provided in the ES; or
- confirm that you do not have any comments.

Further to this request, I hereby enclose my response below.

If you have any further queries please contact the case officer, whose details are at the top of this letter.

Yours faithfully

Julie Pinnock

Julie Pinnock BA (Hons) MTP MRTPI
Head of Development Management

Enc.

SCOPING OPINION – Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project.

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2017

Winchester City Council wish to submit comments in respect of the Scoping Opinion consultation request from the Planning Inspectorate regarding the Scoping Report submitted to the Secretary of State on 28 January 2019 by Richard White on behalf of Simon Hewett Highways England.

Please Note: The Council has complied with the request to provide a scoping opinion, consultation response on a without prejudice basis and in so doing does not necessarily accept or imply that the development described above accords with the policies of the Development Plan. WCC will further consider the local benefit options from mitigation that may be identified and justified as a necessary requirement when the detailed Environmental Statement is submitted and the likely impacts are known in full.

A number of departments within Winchester City Council have been consulted by the Local Planning Authority. The comments that we submit are set out in these consultation responses in respect of the various topic matters as listed:

Drainage

Environmental Protection – Air Quality

Environmental Protection – Contamination

Urban Design – to consider Sustainability issues

Landscape VIA

Historic Environment Team – Cultural Heritage and Archaeology

Ecology

Waste Team

Strategic Planning – Population and Health, Cumulative effects

General Comments of Winchester City Council Local Planning Authority.

The terms of reference for the Environmental Statement schedule should be read in conjunction with; Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Guidance on EIA: Scoping. European Commission, June 2001. Available on website: <http://europa.eu.int/comm/environment/eia/eia-studies-and-reports/study1.htm>

16.4 Local Developments

<https://www.winchester.gov.uk/planning-policy/winchester-city-council-local-plan-2036>

It is recommended that there is continuous review of Winchester City Council Local Plan 2036 (Winchester City Council 2018) as it emerges through the scope of the EIA.

Consultation Responses containing comments of Winchester City Council Local Planning Authority.

Landscape

From: Stuart Dunbar-Dempsey

Sent: 21 February 2019 17:00

To: Esther Gordon

Subject: 19/00224/SCOPEM3 Junction 9 Improvements Environmental Impact Assessment Scoping Report

Esther

Thank you for your consultation.

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref: HE551511-JAC-EGN-0_00_00-RP-LE-0001 P03, January 2109) and have the following comments;

Chapter 8 'Landscape and Visual' reports that there is the potential for the Proposed Scheme to have an impact on the surrounding landscape and visual receptors and recommends that these impacts are assessed as part of the EIA using the methodology set out in this chapter.

I am satisfied with the proposals contained in the Scoping Report regarding the assessment of landscape and visual impacts and have no adverse comments at this stage.

Stuart Dunbar-Dempsey CMLI

Landscape Team

Winchester City Council

01962 848425

EIA Scoping response

Environmental Health

From:  Phil Tidridge
To:  Lorna Hastings
CC:
Subject: RE: M019 EIA Scoping Report consultation from PM0 - last chance to input

Dear Lorna

I have reviewed the scoping report with specific reference to the potential air quality and noise scoping elements (Alison Harker has already commented regarding contaminated land). Overall I have no objections in principle to the scoping works proposed but below are a few detailed comments.

Air Quality (Chapter 6)

I am satisfied with the data and assessment criteria presented and the criteria scoped in for further detailed assessment. Table 6.5 summarises the elements to be scoped in to the EIA for air quality and I would provide the following feedback regarding these scoping proposals:

- 1.The assessment of impact due to traffic management measures during construction – I would expect this to include air quality impacts caused by road closures and traffic diversions with specific reference to potential adverse impact this has on Winchester City Centre and the current AQMA.
- 2.The assessment of impacts on emissions including particulate matter for the local air quality area – This is welcomed but it is not clear if the “particulate matter” referenced is PM10, PM2.5 or both. With a future focus on PM2.5 modelling for this criteria would be welcomed.

Noise and Vibration (Chapter 12)

I am satisfied with the assessment criteria presented and the criteria scoped in for further detailed assessment.

Baseline noise data (Paragraph 12.6.46) - I can confirm I have already had discussions with Andrew Clarke at Jacobs regarding suitable locations and durations for “establishing baseline noise data to establish the relationship between daytime/night-time noise levels and select the most appropriate method to predict noise levels at night from available traffic data.”

Regards

Phil Tidridge
Environmental Health & Licensing
Winchester City Council

Historic Environment Planning Consultation Comments

RE: 19/00224/SCOPE M3 Junction 9, Easton Lane, Winchester

Comments and advice:

The scoping report has identified the above ground designated heritage assets and their settings likely to be affected by the proposals. It confirms that an assessment of the potential impact on these assets shall form part of the application submission and acknowledge that where the potential impact on the above ground heritage assets would be greatest, or where the proposals would potentially impact of assets of the highest significance, an enhanced assessment of the impact on their significance would be undertaken. Where there are planned or accidental views through to the above ground heritage assets, the impact of the development on the setting of these heritage assets shall be assessed by using the 'zones of theoretical visibility' criteria.

However, there is the potential that the proposals could impact a number of unknown non-designated heritage assets (buildings or structures displaying a degree of heritage interest) within the vicinity of the site boundary which have not yet been assessed by the LPA. It is therefore advised that the scoping process identify such assets that could be capable of being non-designated heritage assets (i.e. those that would meet the local listing criteria outlined in Appendix C of the WDLP part 2), and assess the potential impact of the proposals upon their significance accordingly.

Key issues:

The preservation of the special architectural / historic interest of the listed building and its setting (S.66 P(LCA) Act 1990; Policies DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policies CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 16).

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 16).

The preservation of a non-designated heritage asset (Policies DM29 & DM32 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 16).

[Historic Environment Officer 18/02/2019]

Urban Design

Planning Consultation Comments

RE: 19/00224/SCOPE M3 Junction 9 Easton Lane Winchester Hampshire

Consultation Response

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref: HE551511 JAC-EGN-0_00_00-RP-LE-0001 P03, January 2019) and as Urban Design have no comments.

Considerations on design should be cover by Highways Authority and Visual Impacts by Landscape.

Regarding Sustainability, this is a matter outside of my area of expertise but I'm assuming that, as an all encompassing subject, it should be considered across all areas in the EIA.

Consultee Comments for Planning Application 19/00224/SCOPE

Application Summary

Application Number: 19/00224/SCOPE

Address: M3 Junction 9 Easton Lane Winchester Hampshire

Proposal: Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project.

Case Officer: Lorna Hutchings

Consultee Details

Name: WCC Drainage Engineer

Address: HCC Works Offices, Bar End Road, Winchester, Hampshire SO23 9NP

Email: drainage@winchester.gov.uk

On Behalf Of: Drainage Engineer

Comments

19/00224/SCOPE

The document states that the EA have been consulted and met with on a couple of occasions, this means that flood risk and effects on main rivers should have been covered.

HCC as LLFA may have an interest in the potential effects of the works on ordinary watercourses.

Historic Environment - Archaeology Planning Consultation Comments

RE: 19/00224/SCOPE

Address: M3 Junction 9 Easton Lane, Winchester, Hampshire

Key issues:

1. The preservation, conservation, investigation and recording of archaeological interest (Policy DM26 Winchester District Local Plan Part 2; Policy CP-20 Winchester District Joint Core Strategy; NPPF Section 12).

Comments:

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref. HE551571; IAC-EGN-0_00_00-RP-LE-0001 P03, January 2019).

Chapter 7 of this report considers Cultural Heritage and confirms that archaeological remains will form part of an Environmental Statement which will be prepared for the proposed scheme. The scoping report identifies that a detailed assessment will be undertaken due to the potential significant effects upon archaeological remains (para. 7.6.5) and I confirm that I agree with this.

Para. 7.3.1 sets out potential impacts to archaeological remains arising from the construction stage. It is important that potential impacts arising from temporary works (such as storage areas, compounds) as well as other mitigation works (e.g. environmental mitigation) are also considered (para. 2.4.3).

Several studies have been completed to date (Archaeological Desk-Based Assessment, Jacobs 2018 and a geophysical survey, WSP 2018), which have enabled the potential impacts of the scheme on known remains to be assessed. These reports have been considered and are considered acceptable. However, as indicated in Para. 7.7.1, the impacts of the proposed scheme on currently unknown archaeological remains cannot be assessed at this stage.

Intrusive archaeological evaluation is planned (para. 7.4.3) but to date this has not yet been carried out. These investigations will need to be carried out in order that the results can be assessed and feed into the EIA process, informing appropriate mitigation proposals which should be set out in the Environmental Statement.

It is also noted that the potential impacts to the setting of Heritage assets is pending the completion of a ZTV.

Tracy Matthews
Historic Environment (Archaeology) Officer
19/00224/

Consultee Comments for Planning Application 19/00224/SCOPE

Application Summary

Application Number: 19/00224/SCOPE

Address: M3 Junction 9 Easton Lane Winchester Hampshire

Proposal: Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project.

Case Officer: Esther Gordon

Consultee Details

Name: Mrs Alison Harker

Address: Winchester City Council, City Offices, Colebrook Street Winchester, Hampshire SO23 9LJ

Email: aharker@winchester.gov.uk

On Behalf Of: Contaminated Land Alison Harker Environmental Health

Comments

Thank you for your consultation.

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref: N5551511-JAC-EGN-0_00_00-RP-LE-0001 P03, January 2019) and have the following comments to make:

Chapter 10 - Geology and Soils report, a potential for contaminant linkages to exist and recommends these are duly investigated and assessed as part of the EIA using the documented methodology. I can confirm I am satisfied with the proposals contained in the scoping report regarding the assessment of potentially contaminated land and have no adverse comments at this stage.

Internal Consultation Request

To : **Strategic Planning Policy**

From: **Esther Gordon 01962 848 177**

Planning Application: **19/00224/SCOPE**

Location: **M3 Junction 9 Easton Lane Winchester Hampshire**

Proposal: **Application for an Order granting Development Consent for the M3 Junction 9 Improvement Project**

Respond by: 20 February 2019

Listed or Conservation Information (if Applicable)

Additional remarks:

Population and health, cumulative effects.

This is a Nationally Significant project being dealt with by the Planning Inspectorate. The deadline for comments is the 20th Feb. Please can you agree with what has been scoped in and out of the EIA Statement.

Response from strategic planning 12 February 2019

The following concentrates on the population and health section of the document and various references to local plan policy.

Section 6 onwards of the scoping report includes reference to a number of development plans and specific policies. The following raises general matters only it will be necessary for technical specialists to review relevant content and comment as necessary.

Firstly, reference to Winchester District Local Plan Review (Adopted 2006) – Saved Policies needs to be clarified - this only applies to the SDNP part of the Winchester District, until SDNP has its own policies adopted. Winchester District Local Plan Review (Adopted 2006) does not apply to Winchester Local Planning Authority area as this has three adopted local plans:

1. Local Plan Part 1 – Joint Core Strategy adopted March 2013
2. Local Plan Part 2 – Development Management and Site Allocations adopted April 2017
3. Gypsy, Traveller and Travelling Showpeople DPD (to be adopted 28 February 2019)

In addition Hampshire Mineral and Waste Local Plan 2013 will be relevant

In terms of Local Plan Part 1 predominantly relevant policies should include :-

- DS1 – development strategy and principles
- WT1 - development strategy for Winchester Town

- MTRA4 – Development in the Countryside
- CP13 – High Quality Design
- CP15 - Green infrastructure
- CP16 - biodiversity
- CP17 – flooding, flood risk and the water environment
- CP20 – heritage and landscape character
- CP21 – infrastructure and community benefit

Local Plan Part 2 relevant policies should include:-

- WIN1 – Winchester Town
- WIN3 – Winchester views and roofscape
- WIN11 – Winnall – Winchester
- DM17 – site development principles
- DM19 – development and pollution
- DM20 – Development and noise
- DM23 – rural character
- DM24 – special trees, important hedgerows and ancient woodland
- DM26 – archaeology
- DM31 – locally listed heritage assets

Section 6 – air quality – should also refer to our Air Quality SPD currently being prepared.

Section 13 – population and health

Table 13-3 settlement – some data needs clarifying

Name	Type of settlement	Distance from proposed scheme	2011 census	2017 SAPF	2024 SAPF
Winchester Unparished area (incl wards of St Pauls, St Bartholomew, St Michael, St Luke, St Barnabas)	Urban	Built up area of Winchester lies adjacent to the scheme (st Bartholomew ward actually covers the scheme)		41,080	43,441
Headbourne worthy (parish)	Village in large parish on edge of winchester	Abuts eastern scheme boundary		560	3,380*
Itchen valley (Parish) incl	Small rural villages	villages to east of		1,328	1,288

villages of Easton, Avington, Ovington, Itchen Abbas		Winchester			
Kings Worthy *1	Small settlement	Abuts eastern scheme boundary		4,571	4,801

*Increase due to implementation of strategic housing allocation at Barton Farm, Winchester for 2000 dwellings (policy WT2 Local Plan Part 1)

*1 increase due to planned development (policy KW1 Local Plan Part 2)

Para 13.2.7 – Winchester acts as a sub regional centre

Para 13.2.12 – Kings Worthy is a not a small residential area it has a number of facilities and planned growth

Para 13.2.14 – Princesmead school lies in countryside to east of the small hamlet of Abbots Worthy

Para 13.2.16 – yes but the parish covers a much larger area which includes planned growth at Barton Farm

Potential impacts on motorised travellers - should not be underestimated a small incident on the local motorway network creates chaos in and through Winchester.

Details have been provided to consultants on behalf of Highways England with regard to various developments in the District, which presumably will inform section 16.3.10 etc

16.4.5 local developments - this should include proposals in adjoining local authorities for example Eastleigh Local Plan includes a proposed strategic growth option for 5,500 new homes on the northern edge of Eastleigh to the south of Colden Common in Winchester District. This includes a link road in Winchester District which will connect to Junction 12 on the M3. Once this link road is implemented together with the planned Whiteley Way and Botley bypass will potentially create a through access route from southern Hampshire to the M3.

Table 16.4 - there are a number of planned developments within Winchester itself both commercial and residential. Policy WT3 – employment allocation at Bushfield Camp, Winchester, policy WIN 4 Central Winchester regeneration; policies WIN5-7 commercial development at Station Approach, redevelopment of Police Station site etc these are all set out in the 2017/18 AMR <https://www.winchester.gov.uk/planning-policy/annual-monitoring-report-amr>

