Dear Sir

Subject: M3 Junction 9 Road Improvement Scheme proposed by Highways England and to be considered as a Nationally Significant Infrastructure Project under the Planning Act 2008 (as amended).

I refer to the above mentioned project which is currently in the pre-application stage for consideration as a Nationally Significant Infrastructure Project.

This letter contains the formal response of Winchester City Council (WCC) to the Preliminary Environmental Impact Report (PEIR) and the Consultation Document which were put out as part of a consultation exercise running from Tuesday 2 July 2019 to midnight on Tuesday 27 August 2019. Following discussions about the timing of our response it has been agreed that the deadline for WCC to send its comments has been extended until midnight on Friday, 30 August 2019. This extension has enabled this letter to be considered by the Cabinet Committee of WCC. Accordingly, the contents of this response carry the full support of the members and as such, it is requested that you give it appropriate weight. A link to the Cabinet report and minute is attached for reference. (link to be added when published).

The concept of undertaking improvement work to junction 9 has been discussed for a number of years. When the options have been considered it appears that they have focused on the various merits between different traffic management outcomes. The PEIR document reads as if this focus on traffic management has continued to dominate considerations relating to the project. In the context of the location and the landscape and ecological sensitivities of the surrounding area, it is considered that greater effort needs to be applied to identifying tangible positive benefits for both the environment and the wider population including in relation to the local context of the scheme and the priorities of the Council to achieve Carbon Neutral across the whole district by 2030. This is considered fully compatible with both the UK government and WCCs declarations of a Climate Emergency. To achieve these outcomes WCC is ready to engage in meaningful discussions on a range of issues.
Introduction

Winchester City Council (WCC) is the host authority with regard to the proposed location for the scheme.

The local planning authority (LPA) notes the status of the proposal and the following comments have been framed to reflect the current stage in the pre-application process. In that context, the majority of the comments below are asking the applicant to address a number of specific concerns and present greater clarity on certain issues as part of further engagement with the Council. WCC remains committed to working with Highways England in accordance with the spirit that the guidance note recommends.

Before setting out the specific responses to the PEIR document there are a number of general matters to raise.

Firstly, in June this year WCC declared a climate emergency. This declaration is being considered in relation to all aspects of Council business which will include how we consider and respond to Nationally Significant Infrastructure projects such as the works proposed for Junction 9 of the M3. We would therefore ask that Highways England takes this declaration into account as the project progresses and is able to show how the scheme being developed is consistent with the objectives of making the declaration.

Secondly, the application site consists of land both adjacent to and within the South Downs National Park. The National Policy Statement for National Networks (December 2014) paragraph 5.151 indicates that proposals within national parks will be refused except in exceptional circumstances with a clearly demonstrated public interest. Reference is made to the following considerations:

- need/impact on economy
- cost/meeting need in other way
- detrimental effects on environment, landscape
- recreational opportunities
- extent of mitigation

Paragraph 5.152 states that there is a strong presumption against significant road widening or new roads in national parks unless there are compelling reasons and the benefits significantly outweigh the costs.

Paragraph 5.153 states that if consented within a national park then the Secretary of State should be satisfied the application will ensure high environmental standards and measures to enhance other aspects of the environment.
It is the intention of Winchester City Council to work towards and hold Highways England to the highest standards as outlined above with regard to this project given the potential impact of the scheme on the South Downs National Park and its setting.

Thirdly, Highways England operates as a Government owned company under a licence. Part 4 of the licence lays out the aims and obligations that the licence holder must observe:

- ensure the effective operation of the network;
- ensure the maintenance, resilience, renewal, and replacement of the network;
- ensure the improvement, enhancement and long-term development of the network;
- ensure efficiency and value for money;
- protect and improve the safety of the network;
- cooperate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning;
- minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment; and
- conform to the principles of sustainable development.

The licence also requires Highways England to "provide for sufficient flexibility and future-proofing in planning the long-term development and improvement of the network, taking account of long-term trends, uncertainties and risks - including new and emerging technologies and long-term trends in climate and weather conditions".

Within this context WCC would like to know how Highways England is responding through its work generally, and with regard to this scheme specifically, to the Climate Emergency declaration made in the UK Parliament in May 2019.

Fourthly, WCC is concerned about the level of information that is contained within the PEIR which is making it problematic for people to fully engage and respond adequately to the consultation exercise. A number of the topic areas state that no detailed analysis is available as the necessary background data is yet to be finalised. This precludes responding in anything more than generalisations to the proposal on those subjects. Whilst there may be opportunities for the Council to see further detail in the future this option is restricted for the public and other interested groups. It should be noted that the PEIR stage does represent the maximum outreach to the public and other interested groups which will not be repeated at the formal submission stage. The concern is that information made available at this point in time is hampering comprehensive engagement which provides opportunity for all interested parties to provide informed responses because of the desire to maintain momentum for the delivery of in the scheme.
The comments below relate to the PEIR and are structured under the appropriate topic headings. Where appropriate, references will be made to the Consultation Document. The comments have drawn on views from other colleagues within the authority.

**Paragraph 5.1 Air Quality**

This is one of the areas where the necessary data for an analysis to be undertaken is not available.

The Service Lead for Public Protection has made the following comments:

> I have no adverse comments regarding the proposed methodologies to date with regards to the construction impacts and air quality impacts (from a direct human health perspective) with/without the completed development. However, at this stage the PEIR does not contain a full screening assessment as it is reported that the necessary traffic data is not currently available. So again I await the full assessment before being able to provide any detailed comments.

> The only issue that I have already raised that still does not seem to have been considered is air quality impacts during the construction phase caused by traffic diversions (either through official road closures or through self-diversion during increased congestion caused by such works). This is of concern as traffic problems on the M3/A34 often result in traffic diverting through Winchester City Centre impacting upon its AQMA.

To reinforce the above, the Council does not consider that sufficient regard has been given to the potential impacts during the construction phase. If not adequately addressed, these could have significant impacts on the health and wellbeing of residents and people visiting the city centre. This issue is of such important that it is not considered sufficient to leave any remedial measures to a requirement to be worked out after any Development Consent Order (DCO) is issued. These issues need to be set out now before the examination. The Council has given this matter careful consideration and produced the number of actions that are considered to have a positive outcome on air quality. These are outlined below in the section on population and health.

**Paragraph 5.2 Cultural Heritage**

The following comments have been received from the Service Lead for Built Environment:
Comments have also been provided separately to the SDNPA. As previously advised, ongoing discussions have taken place with Jacobs the archaeological consultant for the scheme, but only after the route options were determined. The approach taken for this project is in line with the requirements of the Department of Transport’s Design Manual for Roads and Bridges.

I attended a workshop held by Jacobs and Highways England together with a WCC planning officer the SDNPA cultural heritage consultant, and the HCC archaeological advisor on 25th April 2019, which reviewed progress with the desk-based study, previous archaeological work and surveys carried out to date and discussed mitigation measures. Notes and formal minutes from this workshop indicate that preservation of buried heritage assets within the route of the proposed scheme should comprise strip, map and sample.

The PEIR summaries the results of a desk-based survey (DBS), together with archaeological investigations undertaken in early 2019 (geophysical survey and evaluation trenching) and in para 5.2.24–5.2.26 sets out mitigation proposals; however, this section of the PEIR does not accord with discussions at the 25th April workshop (see below).

Further concerns at this stage relate to the DBS and investigations undertaken to date to inform the Environmental Statement (ES). It is also noted that Section 5.2 of the PEIR does not list all relevant Cultural Heritage reports used to inform this chapter.

The original DBS assessed existing information, including that contained in the Winchester Historic Environment Record (HER), which is the primary HER covering the route area. Following the extension of the redline area the DBS has been revised (and also now covers a temporary compound site on the A34), however additional information was not sought from the Winchester HER, but obtained from HCC (potentially from an online search). As such, the DBS is not consistent and may not be adequate as not all relevant information may have been considered in respect of the known baseline, thus not necessarily resulting in a robust ES. Further revisions to the DBS baseline, ensuring all relevant data has been obtained and assessed is recommended.

The geophysical survey and evaluation trenching results summarised in the PEIR relate only to the original redline area and a formal report on the evaluation trenching has not yet been received. The results of a further phase of geophysical survey are also awaited, following which discussions will take place on the need for further evaluation trenching over the expanded redline
area. The PEIR does not mention that information from these additional surveys will be fully considered and form part of the forthcoming ES.

Furthermore, it is uncertain as to whether the temporary compound site on the A34 has been subject to geophysical survey / will form part of forthcoming discussions on further evaluation trenching requirements. As indicated in para. 5.2.16; 5.2.18-9 of the PEIR, the A34 temporary compound site contains a known cultural heritage asset which will be impacted by the proposed scheme. Without additional information from geophysical survey / evaluation trenching the scale and duration of mitigation requirements will be unknown, presenting a risk.

Para. 5.2.18 – Asset 165 may be of later prehistoric or Romano-British date (source, WCC HER).

Para. 5.2.20 – previous archaeological work in the area has also identified Neolithic remains and revealed a changing landscape from the Neolithic onwards.

As indicated above this section of the PEIR (para. 5.2.24 – 5.2.26) does not accord with the Archaeology Workshop held on the 25th April:

- Para. 5.2.24 of the PEIR report states that there “could be a programme of archaeological investigation…” (my emphasis). Archaeological mitigation measures are not optional and in this respect the PEIR is less robust than sections dealing with mitigation requirements in other chapters (e.g. biodiversity).

- Para. 5.2.24 then goes onto state that, “It is expected that a programme of strip, map and sample excavation will be conducted prior to construction…” but also that “there is the potential for a programme of archaeological watching brief during construction”. Again, this does not form a clear statement with regard to mitigation measures and although strip, map and sample (SMS) was agreed as an appropriate mitigation strategy at the 25th April meeting, the issued meeting notes do not mention watching brief (although informal meeting notes do suggest that the SMS could potentially be more focused in areas of discrete impacts such as drainage ponds and areas of specific ecological mitigation measures).
During the meeting on the 25th April, the need for an comprehensive archaeological mitigation strategy was discussed, key considerations being:

- Community engagement;
- A landscape scale approach;
- Mitigation all features (particularly given the Neolithic remains identified during previous work in the area);
- The potential for Palaeoenvironmental remains and geoarchaeological mitigation requirements (not discussed in the PEIR; are in the DBS?)
- Opportunities for the reconsideration and re-analysis of previous excavation results (particularly in relation to the ring ditch, burials and advances in scientific techniques)

The need for an archaeological strategy, including community engagement were minuted in the meeting notes, however the PEIR does not discuss these.

A robust archaeological mitigation strategy, including consideration of the construction programme should be developed and agreed, in line with the meeting of the 25th April and could potentially be added to a future Statement of Common Ground.

**Paragraph 5.3 Landscape and Visual**

The PEIR document acknowledges that based on the preliminary assessment of the proposal, there are likely to be significant adverse effects on the landscape and people’s views as a result of construction and operation.

The Councils Lead for Environment has made the following observations:

Whilst the project is obviously needed to ease traffic congestion it is regrettable that the road widening will result in the loss of a vast quantity of the screen planting which was put in about 30 years ago and which has now reached maturity. In order for the scheme to be acceptable it would have to demonstrate that a significant proportion of the budget is being set aside for a comprehensive landscape native tree and shrub planting scheme together with an earthworks scheme. This would be needed to reduce visual impact, help the scheme ‘settle into’ the landscape and restore biodiversity to its current levels.
It will therefore be necessary to see ‘before and after’ landscape plans which would show how much planting/habitat is to be lost as a result of the road widening and how much is to be reintroduced, with some sort of time scale for how long it would take to reach maturity.

It is possible that all this information would be contained in a single document such as a ‘landscape and visual impact assessment’ which presumably would form part of, or within an appendix to the Environmental Statement.

With a number of the viewpoints located outside the DCO area, it is not clear how temporary and permanent impacts to those views will be addressed. There is a need to consider if any of the proposed landscape mitigation/compensation work should take place beyond the red lines area. This should be considered together with the means of securing any work found necessary.

The suitability of screening must have regard to the landscape character traits of the area.

**Paragraph 5.4 Biodiversity**

The proposal accepts that there will be both temporary and permanent effects on habitat and species with the existing effects arising from the presence of the M3 and A34 exacerbated with new impacts resulting from the changes now proposed.

The Service Lead for Environment makes the following observations:

*Whilst Biodiversity Net Gain (BNG) does not apply to this NSIP, it is still vital that we secure significant mitigation, compensation and enhancement measures in relation to the proposals which do have the potential to have a considerable impact on the environment.*

*Key designations to be afforded significant protection are the River Itchen SAC and SSSI. Drainage and hydrological considerations will be important in protecting the European Natura 2000 sites in the form of HRA and EIA. Construction and operational aspects of the proposals shall be examined to assess potential impacts including runoff and river pollution, air pollution, noise pollution as well as biodiversity.*

*Environmental mitigation designs are being developed to form part of the Environmental Statement. Environmental mitigation, compensation and enhancement measures in this case can be far reaching, ambitious and strategic in design. An ecosystem services approach should be adopted so that the proposals can offer benefits for flood alleviation, carbon*
Sequestration, nitrogen neutrality, biodiversity, air quality and public amenity/recreation.

Biodiversity Opportunity Areas (BOAs) and ecological network mapping should be utilised to identify the most suitable areas to focus on. North of junction 9 there are network opportunities along the M3 and the A34, and significant field parcels that have been identified in between Easton Lane and Long Walk. To the south of junction 9, land to the east of the A31 contains large parcels of land identified on the ecological network mapping layer south of the Petersfield Road.

All environmental mitigation should be considered at the landscape scale, working in partnership with neighbouring LPAs including South Downs National Park Authority. It is key that connectivity is retained and enhanced from Winchester, over the M3 to the South Downs.

The fragmentation of habitats as a result of the proposals needs to be avoided with the road being as permeable as possible to allow the movement of wildlife along and through this feature. Green bridges, mammal tunnels etc. can be used to mitigate the effects of habitat severance on populations of wild animals and to minimise the risk of road traffic accidents.

The PEIR document does not appear to give adequate weight to the loss of habitat or attempt to outline the type of habitat to be lost and whether the new habitat which is to be created is of the same type or different.

Reference is made to contractors to be used by Highways England working to industrial standards of environmental certification. In recognition of the sensitivities of the area it is considered that Highways England should seek to attain a higher standard of environmental certification.

The above factors should be addressed prior to the examination stage and not left to be addressed after any DCO is issued.

**Paragraph 5.5 Geology and Soils**

The following comments have been received from the Service Lead for Public Protection:

From a contaminated land perspective we would need to see a final conceptual site model before providing any detailed comments (currently a preliminary conceptual model is presented within the PEIR). However, I have
no adverse comments on the proposed methodologies and conclusions to date.

Paragraph 5.6 Minerals assets and waste

There are no comments from WCC in respect of this topic.

Paragraph 5.7 Population and Health

This topic brings together the issues arising from a number of other topics which focus on the impact on human health.

The PEIR does recognise that the M3/A34 represents a barrier to the movement of people between the City/National Park/Kings Worthy. The principle of enhancing the links between these areas is supported. However, it is considered that further work needs to be undertaken on the mechanisms to achieve this. The poor design of the path under the A34 alongside the River Itchen should be addressed.

In September 2015 WCC adopted a resolution to seek Employment and Skills Plans in connection with major developments. The opportunities to promote apprenticeships, the use of local firms as sub contractors and to promote wider career opportunities and educational/learning roles from the scheme should be explored by Highways England.

Paragraph 5.8 Noise and Vibration

The Service Lead for Public Protection made the following comment:

I have no adverse comments to make regarding the proposed methodologies and conclusions to date and again await further detailed information in order to comment further.

Noise attenuation work to a section of the M3 at southern end of red lined area where a proposed smart motorway upgrade means the hard shoulder is now an active lane resulting in a shorter separation distance between residents and traffic. Mitigation needs to be considered and whether this situation will be repeated elsewhere.

Noise attenuation measures at all points along the route should be provided.
Paragraph 5.9 Road Drainage and the Water Environment

The condition of surface water when it enters the water environment can have adverse impacts on water quality with consequential impacts on its biodiversity. With the River Itchen carrying both international and national nature conservation designations it is considered important that scheme can demonstrate that adequate steps have been taken to protect the water environment from pollution. Measures to trap pollutants including micro particles and plastics should be incorporated into the gulley/water traps on any new sections of carriageway. Furthermore, the opportunity should be taken to retro fit any existing drains that do not meet this specification.

Clarification is required if any of the raised earthworks will take place within the river floodplain, and if so, the implications of that for the water storage capacity of those areas.

Paragraph 5.10 Climate

The PEIR document acknowledges that the proposal will change Greenhouse Gas (GHG) Emissions. This is one of the areas where there is a lack of up to date information on traffic and construction data. There is reference to the contractors returning emissions data to Highways England and whilst measures are proposed to keep emissions as low as possible by reducing the use of materials and the distances they are moved, there is a failure to acknowledge that there will be a new emissions arising from the scheme and how they might be addressed.

It would appear that the document seeks to put into context the potential increase in GHG by comparing those related to this specific scheme against the total UK carbon budget. This obviously produces what appears to be a very low figure (0.165%) which is then used to support the position there is no significant effect on climate change resulting from this scheme. This is considered to be an inappropriate use of the data upon which to base conclusions. Whatever measures are adopted an increase will result. An analysis should be provided of the local impacts on the district including the existing impact and impacts during the construction phase.

WCC expects to see additional direct measures to address the increase in GHGs. This could take the form of additional planting (on and off site) and direct measures to reduce the number of vehicles on the road. Regarding direct measures, it is considered that a fully worked up scheme is required before the examination stage. This should include exploring the following during the construction and post construction phase:
• Diversion of traffic onto other routes. For example, from London use the A3(M) instead of M3 From Midlands direct Poole/Weymouth traffic down M5 & along A37? Opportunities to use A303.

• An active message system that covers length of delays and not just passive diversion signs.

• Explore measures to discourage through traffic leaving the M3 (north or south bound) or A34 (south bound) when traffic on these roads is slow but not stopped.
  i. Weight restriction (access only) backed up by cameras may discourage HGVs from seeking a route through the city.

• Explore ways to reduce commuter traffic coming into city during the construction phase to reduce standing traffic.
  ii. Look for ways to increase capacity of existing park and ride facilities around Winchester.
  iii. 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.
  iv. Look to bring forward the establishment of a northern park and ride facility.
  v. 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 for construction employees removing pressure of them seeking parking spaces in the Winnall/Kings Worthy areas.
  vi. Possible use of this facility as a public park and ride with suitable bus route will take vehicles off roads, easing congestion at junction 9 reduce traffic in Winnall area and improving air quality.

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

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

Some of the above actions would need to be developed by joint working with the City Council, Hampshire County Council and South Downs National Park Authority and the opportunity to work together with Highways England should be taken to explore issues of mutual interest.
Conclusion

At this point in the NSIP process the City Council is not expressing a view regarding the merits of the project and, by extension, whether it is supporting the proposed scheme. As outlined above more work is required to address a range of issues so that fully informed and balanced view can be reached.

As noted in the opening paragraph of this letter, the concept of undertaking improvement work to junction 9 has been discussed for a number of years. When the options have been considered it appears that they have focused on the various merits between different traffic management outcomes. The PEIR document reads as if this focus on traffic management has continued to dominate considerations relating to the project. In the context of the location and the landscape and ecological sensitivities of the surrounding area, it is considered that greater effort needs to be applied to identifying tangible positive benefits for both the environment and the wider population including in relation to the local context of the scheme and the priorities of the Council to achieve Carbon Neutral across the whole district by 2030. This is considered fully compatible with both the UK government and WCCs declarations of a Climate Emergency. To achieve these outcomes WCC is ready to engage in meaningful discussions on a range of issues.

If you have any queries or require further information, please do not hesitate to contact the Case Officer, Mr Stephen Cornwell on 01962 848 485.

Yours faithfully

Julie Pinnock BA (Hons) MTP MRPI
Service Lead for Built Enviro