

Application

Number: CS/23/94649
Case Officer: Liz Harrison
Received Date: 1 February 2023
Site Address: M3 Junction 9 Improvements, Winchester, SO23 7RS
Applicant: National Highways
Proposal: Nationally Significant Infrastructure Project application for M3 Junction 9 Improvements scheme

Recommendation:

Submit a Local Impact Report to the Examining Authority identifying the route of construction traffic and the impact on the River Itchen SAC/SSSI as the local impacts of concern, but recognising that they could be appropriately controlled with the approval of a detailed Traffic Management Plan prior to works commencing and the implementation of the measures set out in the Environmental Statement and Habitat Regulations Assessment and to be secured with the approval of a detailed Environmental Management Plan. Then delegate to Planning Manager for the submission of any subsequent Written Representations, Statement of Common Ground and responses to any questions raised by the Examining Authority.

Report:

1. This application has been referred to Committee because there are no delegated procedures in place for dealing with applications for Nationally Significant Infrastructure Projects. None of the works are proposed within the Borough but Eastleigh Local Area Committee covers the area nearest to the proposed works in the Winchester District.

Description of application

2. The application seeks to improve the capacity of the network at Junction 9 of the M3 by providing new free flow links between the M3 and A34, as well as a dedicated new A33 alignment and will include:
 - Widening of the M3 at Junction 9 to create four lanes each way
 - Introducing free flowing links for the M3 to the A34 north bound and the A34 to the M3 south bound to avoid the Junction 9 roundabout entirely
 - Making provision for walkers, cyclists and horse-riders
 - Improving the motorway slip roads
3. None of the works are proposed within Eastleigh Borough, but the Council has been consulted as a neighbouring authority.

4. The purpose of the proposal is to alleviate a major bottle neck at Junction 9 on the M3, a key transport interchange that connects South Hampshire (which generates a large number of Heavy Goods Vehicle movements) 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).
5. Hampshire County Council identified in 2013 that infrastructure improvements were necessary to reduce congestion levels and assist with the strategic movement of traffic at Junction 9 of the M3, to make sure that traffic congestion and increased journey times do not compromise the scale of potential future economic growth in the surrounding area. The improvement to Junction 9 of the M3 was included in the Department for Transport's Road Investment Strategy (RIS) and it identified improvements to M3 Junction 9 Winnall Interchange as one of the key investments in the Strategic Road Network for the London and South East region.
6. The Scheme has five stated objectives:
 - To reduce delays at M3 Junction 9 on all links M3, A33 and A34.
 - Smooth the flow of traffic by improving journey time reliability and reducing delays (time lost per vehicle per mile) at M3 Junction 9 and the exit and entry roads for the A33 and A34
 - Improve the safety for all road users and reduce the annual collision frequency and severity ratio on the M3 Junction 9
 - Support economic growth and ensure the Junction can accommodate additional traffic
 - Improvements for walkers and cyclists including connecting the National Cycle Network Route 23 which is severed by the current junction layout

The site and its surroundings

7. As indicated above none of the proposed works are located within the Borough, with the nearest part of the project being located around Junction 10 of the M3, approximately 7km from the north of the Borough.

Relevant planning history

8. The Council does not hold records of planning applications on land outside of the Borough.

Representations received

9. The Council has been consulted on this application as a neighbouring local authority and therefore has not carried out any public consultation on the proposals.

Consultation responses

10. **Ecology** – It is not considered that there will be any significant impacts on biodiversity (including River Itchen SAC/SSSI) in Eastleigh provided the measures set out in the submitted Environmental Statement and Habitat Regulations Assessment are incorporated.
11. **Environmental Health** – Due to the challenges faced by developers to appropriately mitigate road noise from the M3 the improvements should include plans for ameliorating noise exposure from the M3 in the Borough of Eastleigh.

Legislative Framework

12. The proposal is considered to be a Nationally Significant Infrastructure Project (NSIP). These are projects that are considered by Government to be of a size, scale and national importance that permission to build them should be given at a national level, by the relevant Secretary of State. Under this process applications are made to The Planning Inspectorate who consider the application for a development consent order under the Planning Act 2008 (as amended) and make a recommendation to the Secretary of State.
13. Obtaining development consent under the 2008 Act involves a front-loaded process where the developer consults on a proposed project before submitting an application. The application is then examined by a single inspector or a panel of inspectors from the Planning Inspectorate, known as the Examining Authority. On completion of the examination, the Examining Authority will provide a recommendation report to the Secretary of State who will decide whether development consent should be granted.
14. The Local Planning Authority is asked to contribute towards the Examination at various stages with the submission of a Local Impact Report (a report that gives details of the likely impacts of the proposed development on the authority's area); Written Representations (a document setting out whether or not the authority supports the application and its reasons); Answers to Questions raised by the Examining Authority; and a Statement of Common Ground (a document produced between the authority and the applicant setting out matters that are agreed or not agreed and any ongoing negotiations). It may also be necessary for the Local Planning Authority to take part in any hearings arranged as part of the Examination.
15. Where the Secretary of State decides to grant consent for a project, this will be through a Development Consent Order which is normally made as a statutory instrument – a form of secondary legislation. The Development Consent Order not only provides planning consent for the project but may also incorporate other consents and include authorisation for the compulsory acquisition of land. The Order will

specify details of the development consented and its location (including plans), and any requirements (conditions) that must be met in implementing the consent.

16. The application is supported by an Environmental Impact Assessment that has been prepared in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended). A Habitats Regulations Assessment will also need to be completed by the decision maker and to assist this process the applicant has submitted a shadow Habitats Regulations Assessment.

The Development Plan

17. At the current time the Development Plan for the Borough comprises the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan (October 2013).

Eastleigh Borough Local Plan 2016-2036

18. As no works are proposed within the Borough no adopted local plan policies are applicable to the application site.

Hampshire Minerals and Waste Plan 2013

19. As the application site is outside of the Borough, the Council does not hold detailed information, but the application site would appear to lie within a Minerals Consultation Areas along part of its route.

Supplementary Planning Documents

20. As no works are proposed within the Borough there are no relevant Supplementary Planning Documents.

National Policy

21. The National Planning Policy Framework and associated Planning Practice Guidance do not contain specific policies for Nationally Significant Infrastructure Projects. These applications are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant National Policy Statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy and may be a material consideration in making decisions on planning applications.
22. The Examining Authority have confirmed that the National Policy Statement for National Networks is relevant to this application.

Assessment of Proposal and Local Impacts

The Principle of Development

23. The applicant is proposing to improve the capacity of the network at Junction 9 of the M3 by providing new free flow links between the M3 and A34, as well as a dedicated new A33 alignment. None of the works are proposed within the Borough and there is no objection in principle to the proposed development.

Likely impacts

24. Ordinarily a wide range of issues would be considered when commenting on a nationally significant infrastructure project. However, as no works are proposed within the Borough on this occasion it is considered that the likely local impacts that should be assessed are limited to:
- The impact on residential amenities from construction traffic travelling through the Borough;
 - Impacts on biodiversity within the Borough, in particular the River Itchen Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI), which flows south from Junction 9 of the M3 and through Eastleigh Borough;
 - Any potential noise impacts for Borough residents;
 - Any impacts on air quality within the Borough;
25. As set out above the nearest part of the project is located near Junction 10 of the M3, approximately 7km / 4.3miles to the north of the Borough boundary at Junction 12 of the M3. The applicant anticipates that construction could start in late 2024 and the works be completed and open in 2027.

Construction Traffic

26. Given that the works relate to motorway improvements and the site is accessible via the main highways infrastructure in the wider area it is considered unlikely that construction traffic would use minor roads running through the Borough to access the application site. A First Iteration Environmental Management Plan has been submitted with the application and this includes the commitment that no part of the scheme can start until a detailed Traffic Management Plan has been improved. This plan shall identify the roads to be used for deliveries of construction materials to site. The Outline Traffic Management Plan submitted with the application also states that suppliers will be briefed on the Delivery and Haul Route plan. Hampshire County Council, as the local highway authority, would be consulted on the relevant details and it is considered that this process should ensure that the impact on

the Borough's residents from the routing of construction traffic is appropriately considered.

Impact on Biodiversity

27. Junction 9 of the M3 is located approximately 7km north of the Borough, and any ecology impacts would be of an indirect nature during the construction and potentially the operational phase of the proposals, with the main area of concern being the impact on the River Itchen SAC/SSSI as it flows south from Junction 9 of the M3 and through Eastleigh Borough.
28. The First Iteration Environmental Management Plan submitted with the application sets out a package of pollution prevention measures designed to avoid increased pollution during construction; working methods and timing restrictions in to avoid impacts to fish within the River Itchen; mitigation measures that would ensure no measurable change to groundwater flows; a construction drainage strategy; a sustainable drainage system for the operational phase; and principles of habitat management. Overall with these measures in place, the Environmental Statement and shadow Habitats Regulation Assessment conclude that with these measures in place there would be no adverse impact on the River Itchen SAC/SSSI. Ecology have been consulted on the application and agree with this conclusion and do not consider that there will be any significant impacts on biodiversity within the borough.

Noise impacts for residents

29. The scheme proposes the use of a low noise road surfacing where new road surfaces are needed in order to reduce the effects of noise. It is noted that Environmental Health have commented that the improvements should include plans for ameliorating noise exposure from the M3 within the Borough. However, as noted above, the proposed works are located approximately 7km from the northern boundary of the borough at Junction 12 of the M3 with none of the parts of the M3 located within the borough being sited within the boundary of the application. It is not considered that the proposed works themselves will increase the level of road noise experienced by residents within the borough. Nor is it considered reasonable to ask for new noise mitigation measures to be installed outside of the application boundary as a result of the proposed improvements to Junction 9 of the M3.
30. It is considered therefore that the proposed improvement works would not have an adverse impact on residents of the borough in terms of noise and no associated mitigation measures are required.

Air Quality

31. The air quality assessment did include consideration of impacts on a selection of receptors within Eastleigh borough, including locations within the Air Quality Management Areas between Junctions 12 and 14 of the M3 and along the A335 (Leigh Road). While measures are

proposed be put in place to control dust during construction, the Environmental Statement concluded that scheme will not have a significant effect on air quality once complete and no exceedances of the relevant air quality thresholds are predicted as a result of the scheme. As such, no operational mitigation is proposed. Similarly Environmental Health did not raise any objections on the grounds of air quality.

32. It is considered therefore that the proposed improvement works would not have an adverse impact on air quality in the borough and no associated mitigation measures are required.

Conclusion

33. It is considered that the routing of construction traffic and the impact on the River Itchen SAC/SSSI are the local impacts of concern arising from the proposed development in relation to the Borough and its residents. These could be appropriately controlled through the submission and approval of a detailed Traffic Management Plan prior to works commencing and the implementation of the measures set out in the Environmental Statement and Habitat Regulations Assessment and to be secured with the approval of a detailed and Environmental Management Plan. It is recommended that the Local Impact Report and Written Representations (if required) be submitted on that basis. In addition it is requested that the ability to answer any questions raised by the Examining Authority during the Examination process and completion of a Statement of Common Ground, if required, are delegated to the Head of Housing and Development.

