M3 Junction 9 Improvement Project

Christopher Gillham

Winchester Friends of the Earth

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[redacted]

Comments on D5 responses to ExA 2nd Questions

A note on traffic generation:

It appears to be the completely implausible position of the Applicant that this scheme does not generate traffic. If reduction of congestion and journey time improvement are claimed, then traffic generation is the obvious and well-documented response to this – is the Applicant denying an elastic relationship between cost of journeys and demand for them? The Applicant can be Jesuitical about this, as much as it likes, by telling us that VDEM modelling says there is little traffic induction, but the fact is that the forecasts of increased traffic used throughout the modelling may well be possible if the infrastructure is provided to take it, but they would not occur without it. The argument is that the junction is critically congested already. How then, in the DM situation would it accommodate the forecast traffic increases? The traffic model for the streets of Winchester, however statistically badly validated, shows savings between DM and DS but at levels of future traffic that could not be accommodated by them. Looking at Figures 1-9 in the 7.! Modelling document, the Andover Road, for example, routinely stationary at peak times in 2023, is modelled in DM inbound peak in 2027 as 377 vehicles per hour and as 588vph in 2047; for outbound peak 2027 it is 397 and 565 in 2047. [There are some odd results in the data in Figs1-9. I show these in Appendix 1 to this document].

If the main corridor traffic is being impeded by congestion now, but the modelling shows that it would not be in the DS case, then what DS has done is allow the traffic modelled (forecast) for it under DM to actually occur, when congestion would have impeded it. That impedance would either have forced the growth in DM trips to have reassigned somewhere (not hugely likely since there is no obviously competing road corridor) or modally switched, or some other trips would have been made for the same end purposes, or the extra forecast DM trips would have been suppressed altogether or some mixture of these. However this is regarded, the scheme increases traffic on the corridor – it is a consequence of the scheme, not an inevitability of supposedly 'natural' traffic growth – natural traffic growth cannot occur if it cannot be accommodated.

Note: Emboldening of text in quotation is my emphasis.

ExA 2nd Questions		Response	Winchester FoE comment
Q1.2.1	*In light of various comments and concerns from a number of*	**NH:** The Applicant disagrees with the statement that there are well documented landscape and planting failings seen in completed major National Highways	The Applicant may disagree, but a simple Google search reveals lots of references to failed planting.

NH	*Interested Parties (IP), especially the South Downs National Park Authority (SDNPA) and also in light of well documented landscape and planting failings seen in completed major National Highways schemes, can the applicant comment fully as to whether a longer post construction management plan would be more relevant than the 5 years currently included in the dDCO.*	schemes. There has been no evidence presented to the examination of any National Highways DCO schemes where there has been landscape or planting failures. If the ExA question is referring to the unsubstantiated assertions by interested parties about the purported failure of chalk grassland to establish in respect of the Twyford Down project the Applicant notes that there has been no information or evidence put before the ExA setting out the details of the landscaping and planting scheme that was to be implemented for that project and how that has been breached. Furthermore, if there had been failings in any such scheme, it would have been a matter for the local planning authority to enforce of which there is no information before the examination. Nevertheless, the Twyford Down project is one which was built out more than 20 years ago under a different consenting regime at a time when the biodiversity and the environment were considered differently.	National Highways can hardly declare a lack of evidence when it has provided data in response to a Times FoIA request, where it reported on 9 of its 38 major projects. At Chowns Mill A45/A6 junction at Higham Ferrers, *"three quarters of the total planted later died. The rate was the worst of the nine schemes National Highways provided data for. Of 945,000 trees planted by the company since 2018, at least 405,000 have died."* I can offer no proof of my experience of what happened on Twyford Down. The planting of the old bypass was successful and the natural regeneration of flora since has been very satisfactory. But my personal observations of the transplanted donga turf to the Arethusa Clump area, was that of a complete failure – essentially everything died because it was never watered afterwards. The area has naturally regenerated in the 30 years since. Stating that IP's recollections. re the neglect of the transferred Dongas turfs, are 'unsubstantiated' may be true, but comes over as pretty cool from an Applicant that presents large quantities of assertion drawn out of black boxes that nobody is allowed to see either the inputs or the contents and workings of. But if the Applicant wishes to dismiss local experience of something that was done improperly at Twyford Down, it might like to explain the still very visible evidence of the diversion of the Itchen Navigation at St Catherine's Lock, leaving a completely dried up water bed, with the loss of several hundred yards of water habitat. This diversion, for mere construction convenience, and outside the supposed boundary of works, was not anticipated by any of the M3 Inquiries. The argument that it was a different consenting regime 30 years ago is absurd. National Highways may have changed aliases several times but it is the same thing and is no more trustworthy now than it was then.
Q2.2.1 WCC, NE, SDNPA	*In ISH2, the question of increased Nitrogen levels in soil was specifically raised. The Applicant has responded to this in their Deadline 4 submission, Applicant written summaries of oral case for*	**NE:** However, although the methodology for modelling and assessing the impacts is improved, we continue to have concerns with the in combination assessment and with the conclusion that the proposed development would not result in Adverse Effect on Integrity (AEOI) on the River Itchen.. (SAC) or a significant impact on the assessed …(SSSIs). Further evidence is required, considering the ecological impact of the pollutants on the qualifying features of the sites, and whether they	I believe that the NE response (backed up by SDNPA) entirely accords with my (inexpert) observations in my D5 submission on this question. NE are clearly not persuaded by the Applicant's straws-and-camels argument: *small additions don't matter in relation to large dangerous numbers.* NE's detailed

	Issue Specific Hearing 2 (ISH2) [REP4-035] and in the updated ES Environmental Statement - Appendix 8.3: Assessment of Operational Air Quality Impacts on Biodiversity [REP4-020]. Please provide any comments on this or advise the ExA if you accept the assessment and conclusions provided.	would undermine any conservation objectives. **Excluding an impact based purely on the size of the process contribution is not appropriate – a consideration of the relevant critical levels/ loads (and whether there would be exceedance), the footprint of any impact, the sensitivity of the qualifying feature to the pollutant and any modifying factors that could make them less sensitive etc is required to reach such a conclusion**. The source attribution data is reasonable to include within this assessment - however, the fact that road transport contributes nearly 10% of the Ndep to an identified SSSI indicates that traffic is a locally relevant source contributing to the background deposition and the proposed development is increasing that contribution, so mitigation may be required. Specifically in relation to the impacts on chalk grassland – such habitats are sensitive to N deposition (and the applicant has used an outdated critical load in their revised assessment which we have raised in our response to their deadline 4 submission …. **SDNPA:** support Natural England in its position (as this does relate to the sensitivity of Chalk Grassland and our on-going concerns regarding such mitigation measures are well managed to ensure their long-term success). **WCC:** Assessment and conclusions are agreed.	argument on the vulnerability of chalkland species also seems to agree with the points I was making in the D5 submission. I do not understand WCC's response to this question. Since WCC in other responses below, defers to SDNPA on nature matters, it is hard to see how it can simultaneously agree with the Applicant's assessment of these.
Q3.2.1 WCC	*At ISH2, it was stated that PM2.5 in Easton Lane has increased in the last year. Please can WCC provide details of PM2.5 readings from their monitoring stations in the city and vicinity of the application boundary for the past 5 year*	At ISH2 discussion took place regarding monitoring at Easton Lane regarding PM2.5 as this area is a vulnerable community. We would like to explore this further with the Applicant. Winchester City Council have only one MCERTS certified Particulate analyser (FIDAS 200) based on St Georges Street in the City Centre. This was installed in early 2020. The annual mean results are as follows: 2020 – 10 ug/m3 2021 – 9 ug/m3 2022 – 10 ug/m3 As far as Winchester City Council is aware there is no other PM2.5 data available and there is potentially some confusion between monitoring and modelling data.	This accords with our view previously stated. Apart from the St George's St monitor, there is no actual $PM_{2.5}$ data available in the District.
Q3.2.2 NH	*Please can the applicant detail why the PM2.5 data which was part of the Preliminary Environment Information Report (PIER) and used as part of the statutory consultation exercise, and referenced by Mr Gadd in his Written Representation [REP1-*	The PM2.5 data presented in the Preliminary Environment Information Report (PEIR) consisted of maps of predicted background concentrations of NO2, PM10 and PM2.5 in 2020 and 2026. This data provided context to the background (and future background) concentrations (from the Department of the Environment, Food and Rural Affairs (Defra) modelled data at 1km x 1km resolution) of pollutants across the study area. At the time of submission of the PEIR the traffic modelling had not been completed and therefore it was considered that these background maps, alongside	We have discussed modelling of $PM_{2.5}$ in our D4 submission on air quality. We see no reason to change any of our views on this, as indicated in our response to the NH rebuttal of that submission, which we will submit later.

	038] was not shown in the ES as submitted in the application. Please comment on how this data may or may not have contributed to the assessment of PM2.5.	historic monitoring data, were the most useful data available to facilitate understanding of the baseline and future baseline air quality conditions. Subsequent to the completion of the traffic and air quality modelling, the concentrations of air pollutants (NO2, PM10 and PM2.5) were predicted at a selection of representative receptor locations across the study area. These predictions included not only the modelled contribution from road traffic but also the background concentrations from the same Defra mapping dataset (for the relevant year) as presented in the PEIR. In summary therefore, this mapping data was used in the assessment of PM2.5 within Chapter 5 (Air Quality) of the Environmental Statement (ES) (6.1, Rev 2) (to demonstrate that concentrations did not approach the current legal limit (of 20micrograms per cubic metre (ug/m3)). These actual predicted concentrations of PM2.5 at representative receptors reported in the Table 1.4 of Appendix 5.2 (Human Receptors Backgrounds and Operational Phase Results) of the ES (6.3, APP-086), are considered to reflect a more accurate impact assessment of the Scheme than illustrations of modelled background concentration (at 1km x 1km resolution). The Applicant therefore confirms that the PM2.5 data presented in the PEIR has been incorporated into the assessment of PM2.5 within Chapter 5 (Air Quality) of the Environmental Statement (ES) (6.1, Rev 2).	Current levels in central Winchester are around the 10µgm^{-3} threshold. Without actual measurement in the vicinity of this scheme it cannot be assumed that properties in close proximity to it are likely to be substantially different. All the expectation from the evidence must be that $PM_{2.5}$ will not decline with time, as the Applicant appears to believe. The additional** traffic that results from this scheme will result in increased emissions of the smallest particulates. The technological trend in ICE vehicles to reduce tailpipe emissions will no longer apply. The change from ICE technology to EV technology works in the opposite direction of increasing tyre and road wear emissions. (**whether the Applicant calls the addition. induced traffic, or whether it acknowledges the scheme allows the forecast growth of traffic to be accommodated is not a meaningful distinction – traffic will grow as a result of this scheme).
Q3.2.3 WCC	*At ISH2, WCC stated that they are required to produce an air quality action plan by the end of 2024 which include national and local contributors to air quality, particularly for PM 2.5. Can WCC explain if there are any provisions, monitoring or mitigation that would be appropriate to include in the application in advance of that plan being finalised.*	The situation has just been clarified with DEFRA. Winchester City Council will need to produce a new Air Quality Action Plan (AQAP) only if data for 2023 and 2024 shows there remains failures of the annual mean air quality objective for nitrogen dioxide within the Air Quality Management Area (AQMA). PM2.5 is not a parameter considered by this AQMA. Separate to this, DEFRA now requires a wider Air Quality Strategy (AQS) to be produced by all Local Authorities, which aims to minimise ill health outcomes. Winchester City Council propose to have an initial AQS in place by mid-2024. This will include the consideration of PM2.5 and we will be looking at ways to reduce exposure from all localised sources including the domestic, agricultural and transport sectors.	The City Council is right to stress that the real issue with air pollution has moved on from the clumsy limbo dancing to get under EU thresholds (which never did fit with WHO assertions of harm) to actual expressed concern for health consequences. The Public Health England report referred to in our D5 submission on Air Quality was the key to this transition of concern. No level of $PM_{2.5}$ is safe and every increment in it carries an actual, significant, quantifiable impact on life expectancy of those exposed to it.
Q4.2.14 NH	*The Applicant Written Summary of Oral Case for ISH3 [REP4-036] Appendix A at section 1.3 explains the Applicant's assessment of viable modal alternatives. The NPSNN paragraph 4.27 test is set out including bullet point three. Whilst the NPSNN does not, as a matter of policy, require the ExA to reconsider the proportionate option consideration of alternatives it must be satisfied*	(i) The Applicant has been **unable to source documentary evidence that would report on the assessment of modal alternatives** undertaken by the Department for Transport prior to the inclusion of the Scheme within RIS. The Applicant understands from its dealings with the Department for Transport that this assessment would have been made as a matter of course. The modelling approach used by the DfT ensured that alternative modes of transport were taken into account before schemes were included in the Road Investment Strategy. The DfT used data from the National Transport Model (NTM) to inform their decision making. The NTM is a multi-modal model meaning that it considers: vehicles (including car and HGV), rail, pedestrian, cycling and bus use. Furthermore, the NTM is informed by the Great Britain Freight Model which forecasts freight flows for future years, taking account of competition between modes of transport and	So there we have it. All the hand-waving "*would have been considered*" and there is no documentary evidence of it. Indeed all that is offered within this response is exactly the same *'trust us, we would have done it'*. Is the Applicant's position seriously that proper consideration of modal alternatives would have been carried out without anything being written down? The Applicant now tells us that there was another black box in NTM which spews out (*'informs'* appears to be the cant word) that modal alternatives are not appropriate. As Mr Gagg says, 'show us' that the model does this; show us the input and the

	that this assessment has been undertaken. Appendix A states that other modal alternatives were considered and appraised during National Highways Project Control Framework (PCF) 'Options Phase'. *(i) Whilst paragraph 1.3.4 again confirms that the Department for Transport would have considered alternative modes of transport before including the scheme within RIS, please indicate the basis for that conclusion. Does the Applicant know whether this was done or has that been assumed to be the case as it is required to be done in all cases.* *(ii) If the latter, please explain why that represents a reasonable assumption to make and the reliance that can be placed upon it, together with the consideration of modal alternatives post RIS at PCF Stage 0, to be satisfied that an appropriate assessment of the viable modal alternatives to the scheme in accordance with paragraph 4.27 of the NPSNN has been carried out.* *(iii) how alternatives were reported to decision makers to result in their exclusion from further consideration*	ferry routes. The NTM forecasts travel demand from the modes of transport detailed above and accounts for shifts between the different modes over time. For the purposes of the RIS, the demand was applied to the transport network to determine where congestion was forecast to occur which then informed scheme prioritisation. (ii) The Applicant's view is that the combination of the assessment undertaken by the Department for Transport (DfT) and the work undertaken by the Applicant at PCF Stage 0 satisfies the requirement of paragraph 4.27 of the National Policy Statement for National Networks. **The DfT considered alternative modes of transport within their assessment before including M3 Junction 9 in the Road Investment Strategy 1 (RIS1).** The Applicant as part of PCF Stage 0 assessed whether an alternative mode of transport could solve the identified problems at Junction 9. It was concluded that the high level of congestion at Junction 9 and the expected growth in freight traffic could only be solved with a Junction improvement that provided free flow movement between the M3 and the A34. The Stage 0 assessment recognised that investment in rail could provide a viable alternative to help manage travel demand associated with housing growth. **On balance however, a Junction improvement was concluded to be necessary to solve the complex congestion and safety issues at the Junction and to facilitate economic growth in the region.** (iii) The Road Investment Strategy 1 (RIS1) and associated evidence was reviewed and approved by ministers prior to publication. The decision to include M3 Junction 9 in the RIS was agreed by the Secretary of State. Additionally, the Applicant's governance processes require senior decision makers to approve the progression from one PCF stage to the next**. At the end of Stage 0 project documentation, including the alternative modal assessment, was reviewed** and the decision was made to progress the Scheme as a Junction improvement.	output. Where is the evidence that the 'DfT considered alternative modes'? Where is documentary evidence of the arguments that went into this conclusion? The Applicant is talking about a document here. Where is it? What document detailing this assessment was put before the Secretary of State?
Q4.2.15 NH	*The Applicant's Written Summary of Oral Case for ISH3 [REP4-036] Appendix A at section 1.3.16 comments on the relevance of the Stonehenge judgment in relation to the consideration of modal alternatives. Please explain further, in the light of the submissions on this topic made by various IPs why the consideration of modal alternatives should not*	The phrase 'obviously material consideration' was considered by Holgate J in of R (on the application of Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport ("Stonehenge"). This held that when considering the lawfulness of a decision it is relevant to consider whether legislation mandates either expressly or impliedly that a consideration be taken into account; if it does not then a decision maker is only required to take a consideration in to account which was so "obviously material" that failure to take it into account would be irrational, see paragraph 63 of the Stonehenge judgment. These were referred to as the three "limbs" against which a decision could be judged. R (on the application of Friends of the Earth Ltd and another) v Secretary of State for Transport [2020] UKSC 52 sets out clearly the scope of what is an "obvious	This legalistic-seeming response (if I've understood it – does ExA understand it?) would only make sense if the Department of Transport had immediately asserted it at the time of Holgate's judgment. It did not; it went on to a whole process of supposedly examining alternative road alignment and other road alternatives. Why would it have done this if it did not accept that Holgate said alternatives should have been considered?

	be considered an "obvious material consideration".	material consideration" between paragraphs 116 and 121 where it sets out that within this limb of those matters requiring consideration by a decision maker, there are two sub-categories of decision. The first is that a "decision maker may not advert at all to a particular consideration falling within that category. In such a case, unless the consideration is obviously material according to the Wednesbury irrationality test, the decision is not affected by any unlawfulness". The second is that a "decision maker may in fact turn their mind to a particular consideration…but decide to give the consideration no weight…in normal circumstances the weight to be given to a particular consideration is a matter for the decision maker, and this includes that a decision maker might (subject to the test of rationality) lawfully decide to give a consideration no weight." The Applicant sets out at the Applicant's Written Summary of Oral Case for ISH3 [REP4-036] Appendix A at section 1.3.16 that modal alternatives set out should not be considered "obvious material considerations" as following its options appraisal they are vague, inchoate and have little possibility of coming about. These three factors were set out due to the case law established by R (Mount Cook Land Limited) v Westminster City Council [2017] PTSR 116 at [30] as considered in Stonehenge. The Applicant has discharged its duty under the NPS NN to consider viable modal alternatives in an options appraisal, and following the conclusion of that options appraisal it was decided by the Applicant that the existing congestion and reliability issues at M3 Junction 9 required a highway intervention as opposed to any other modal intervention.	We do not accept the Applicant's assertions (as in Rep4-036) that the Holgate judgment confined the issue of consideration of alternatives to alternative road lines. The argument appears to rest on the fact that Justice Holgate cited three case studies of alternative road proposals. There is nothing in the judgment that suggests other alternatives should not have been considered. In the July decision letter on Stonehenge, the SoS made only one reference to modal alternative consideration and that was to say *"The Applicant also considered other surface routes that avoided the WHS entirely and nonmodal alternatives such as rail improvements, but ruled these out at an early stage in the development of its proposals".* He made no statement challenging the wider interpretation of 'examination of alternatives'. The July decision on Stonehenge is being further challenged, so we cannot yet know what the legal view will be on the proper examination of alternatives. So at Stonehenge we are left with the same hand waving assertion that modal alternatives would have been considered at some early stage, as we are getting at this Inquiry, with exactly the same paucity of evidence of such consideration. The current application differs from the Stonehenge one in that NPSNN actually requires consideration of alternatives for a scheme in a National Park and that *'some other way'* can only mean alternatives other than alternative road alignments. (cf Q4.2.14) Where is the document reporting on this options appraisal?
Q4.2.16 NH	*The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] in relation to Modal alternatives including the possibility of investing in a rail-freight based scheme submits that the decision not to opt for a rail freight option appears to be*	Route strategies are a rolling programme setting out National Highways' plan for the strategic road network (SRN). They're a key research element underpinning the Road Investment Strategy (RIS), which informs the process of future road investment. National Highways is required to produce route strategies as a condition of their operating licence. The 2023 Route Strategies will underpin the next Road Investment Strategy 3 (RIS3 2025-2030). The Solent to Midlands Route Strategy (2023) is not a planning policy document	If the Solent-Midlands route strategy will "inform" RIS3 why

	contrary to Solent to Midlands Route National Highways policy for the Solent to the Midlands corridor including Objective D. Please comment on the consistency or otherwise of the scheme with this aspect of policy and the weight to be attached to that factor.	with which the Scheme is assessed against, **but it will inform decisions made as part of RIS3**. Objective D titled 'Enable more efficient freight movements along the corridor, M3 and A27 to and from key gateways' states: 'Encourage access to freight-based multimodal interchanges in addition to recognising the importance of lorry parking facilities in strategically important locations for freight and logistics, particularly Southampton, Portsmouth and the wider Solent Freeport'. The supporting text on Page 83 goes on to say: 'The major ports of Southampton and Portsmouth rely on the A34 as the key route for the transfer of freight goods north to the Midlands and along the M3, M4 and M40 and linking with the rest of the UK SRN… The future growth and expansion of the Port of Southampton is outlined in the Port of Southampton master plan and multiple warehousing and freight developments have been planned along the M27. The Solent Freeport will also support future growth in the region by creating tax advantages that allow businesses to pay little or no tax on imported and exported goods. This region is a major economic driver, therefore the M27 and M271 are key links for enabling growth. The SRN will be a key element in supporting sustainable growth. This is reflected in the National Highways regional traffic model forecasts, which show a relatively large proportion of freight traffic compared to other A-roads. This large proportion is present for the full length of the Solent to Midlands route'. Objective D makes specific reference to supporting the Strategic Road Network to better manage the future growth of the ports. The Scheme is consistent with this objective, to have improved access to freight-based multimodal interchanges, in this case the Solent Ports. **The decision not to opt for a rail freight option in order to alleviate congestion between the M3 and A34 is consistent with Objective D**. The Route Strategies for Solent to Midlands published in 2015, 2017, and in 2023 identify issues within the strategic road network and include reference to M3 Junction 9. The Scheme is consistent with these strategies taken as a whole. As these documents form the basis for investment decisions made as part of the Road Investment Strategies their overall weight in the planning balance is limited.	would it not inform the current scheme under RIS2? How was the previous strategy (2017?) used to inform RIS2? Is there documentary evidence of freight transfer to rail being considered then? Is there evidence that the Solent to the Midlands Multimodal Freight Strategy (2021) 'informing' the RIS2 decision to go ahead with this scheme? Whatever is sensible to say about Freeports and encouraging major growth in the overheated Solent Area when a major policy of Government is supposed to be 'levelling up', the fact is that a growth of road freight is predicted for this scheme, of which some could be modally shifted, if the 2021 freight strategy is a real strategy. If the strategy is implemented, what proportion of freight would be moved to rail? There is no point in stating, as the Applicant states elsewhere, that the greater part of freight will still be moved by road (only because, incidentally, it is massively subsidised to do so) when quite small shifts would make a significant difference to the economics of a scheme which is already doubtful. When was this decision made? Where are the arguments for it documented?
Q4.2.17 NH	*The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] in relation to Modal alternatives is critical of the information provided in relation to the consideration of such alternatives including the reference to appraisal of rail-freight-based alternative schemes National Highways Project Control Framework (PCF) Stages 0. Please respond to the criticism*	The Post Hearing Submission from Winchester Action on the Climate Crisis (REP4-049) make reference to the rejection of the rail freight option as inconsistent with Objective D and H of the Solent to Midlands Route Strategy (2023). Our response to ExAQ2 4.12.16 is provided above and addresses the status of Route Strategies. The Applicant's position remains that there is no conflict between the Solent to Midlands Route Strategy (2023) and the Scheme. It is important to consider that the Solent to Midlands Route Strategy (2023) is used as a forward planning tool by National Highways to help identify investment opportunities for enhancements, as well as to support decisions around operating and maintaining the Strategic Road Network (SRN). The issues identified with the performance of M3 Junction 9 have been identified historically in the 2015, and 2017 Route Strategies (and earlier supporting documents) and improvements to the Junction included within the	See comments above

	that it has not been shown that a meaningful appraisal of a rail freight option at Stage 0 was carried out and that rejection of the option would have been inappropriate in policy terms	RIS1 and RIS2 programme. Table 2 'Evidence used to inform objectives' of the Solent to Midlands Route Strategy (2023) provides commentary of the objective against: Chapter 3, 'Views raised by our customers and neighbours; Chapter 4 'Integration with our partners' strategies and priorities'; and Chapter 5 'Challenges and issues identified'. Under Chapter 4 it states: 'Transport for the South East aim to provide An affordable, accessible transport network for all that promotes social inclusion and reduces barriers. They also aim to create a seamless, integrated transport network with passengers at its heart, making it simpler and easier to plan and pay for journeys and to use and interchange between different forms of transport. Network Rail strategy includes helping to transfer more journeys onto rail which can help relieve congestion on the SRN and improve the environment by increasing the use of more sustainable modes. Network Rail and train operators aim to find opportunities to better integrate the road and rail network; both in terms of freight – by improving the strategic road networks capacity for new rail freight terminals and by planning freight corridors together, and for passengers– by seeking opportunities to place parkway stations in strategically important locations with easy access to the strategic road network.' Under Chapter 5 it states: 'Car travel remains the primary mode. The M3/M27/M271 are the main roads commuters use to travel to key employment centres such as Southampton and Portsmouth and Winchester. Bus connectivity, and in some cases rail connectivity, is available however the slow journey times and lack of direct connectivity. Planned developments will further add to delay along the existing network, making the need for modal shift greater.' Whilst this objective is recognised as important to the improvement of the Solent to Midlands Route (M3, M27, and M271) it highlights the role of other transport partners such as Network Rail and Transport for South East for delivering increased rail freight and passenger capacity. Furthermore, the supporting text to objective H states 'There are several junctions in this section of the route that provide access to major public transport hubs. For instance, Junction 11 on the M3 near Winchester provides access to four park and ride hubs'. Taking the objectives of the Route Strategy as a whole the Scheme is consistent with the Solent to Midlands Route Strategy (2023). Bullet 2 and Bullet 3 of the same paragraph in the Post Hearing Submission from Winchester Action on the Climate Crisis (REP4-049) refers to the rejection of modal alternatives at Stage 0 as contrary to the draft National Policy Statement for National Networks, specifically that it would be counter to the draft National Policy Statement for National Networks focus on expanding rail freight mode and its priority of delivering a 75% reduction in emission by transferring freight tonnage to rail. The Applicant's position is that the Scheme is consistent with the draft National Policy Statement for National Networks and an assessment against the specific policies has been provided at Deadline 2 within the Draft National Policy	Citing the Transport for South East Strategy (TfSES) is giving a hostage to fortune by the Applicant. It is true that the TfSES is sufficiently incoherent (some might say spoken with forked tongue) that it can mean different things to different people. It is true that there are the usual '*just one more cigarette*' arguments for building out road schemes already in plan. But its main themes, however, are to do with breaking bad transport habits. It excoriates the very basis of the methodology behind this scheme: *Traditionally, transport planning has used a 'predict and provide' approach to justify the need for future investment. This approach involves using existing trends to forecast future demand and congestion on the transport network to make the case for the investment needed to alleviate that congestion.* *In recent years, however, there has been a significant shift in thinking away from the 'predict and provide' approach. There is substantial evidence to suggest that providing additional road capacity and addressing bottlenecks in the highway network has the effect of generating additional demand for the road network, thus eroding or even eliminating any expected reductions in traffic congestion. Furthermore, this approach, if followed in an unconstrained fashion, risks promoting urban sprawl, high dependency on car use, and significant degradation of the natural environment.* *In the long run, 'predict and provide' risks creating a transport network that is less efficient and damaging for the local communities and environment it passes through. This transport strategy involves a shift towards a 'decide and provide' approach to transport provision. This means actively choosing a preferred future, with preferred transport outcomes as opposed to responding to existing trends and forecasts.* *The transport strategy has utilised future demand modelling to understand how and where the transport*

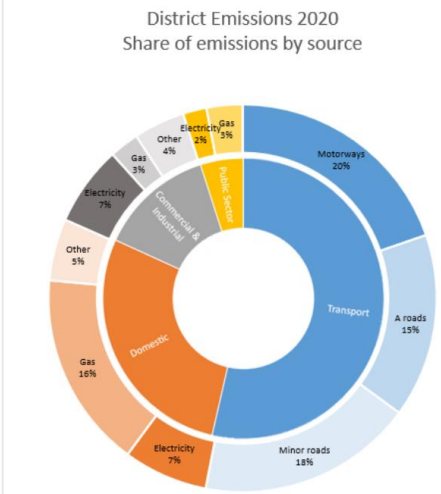
		Statement for National Networks Accordance Table (8.7, REP2-053). With respect to the 75% figure quoted it is understood this is referring to row two of Table 1: Options to address need of the draft National Policy Statement for National Networks. It states in the last sentence that 'rail freight emits approximately 75% less CO2 than equivalent transport by road'. This section of the draft NPS NN is focused on the government's policy for addressing need for strategic rail freight infrastructure. The assertion that the rejection of rail freight option at Stage 0 is counter to this aspect of the draft National Policy Statement for National Networks does not recognise the other aspects of the draft NPS NN (notably paragraphs 3.22 and 3.46) which recognise that the need to improve and enhance the Strategic Road Network includes junction improvements, and that the government has, at a strategic level concluded that there is a compelling need for development of the national networks. Section 1.3 of the Applicant written summaries of oral case for Issue Specific Hearing 3 (ISH3) (8.15, REP4-036) provides additional information with respect to the assessment of modal alternatives at PCF Stage 0.	*network will see significant future strain.* ***However, instead of simply expanding the network where strain will be most acute, the transport strategy sets out how this congestion could be alleviated through investing in public transport alternatives, developing integrated land use planning policies, adopting emerging transport technologies, and adopting demand management policies.*** *The latter would involve users paying for more of their mobility they consume on a 'pay as you go' basis with the potential to better manage demand across the network – using pricing mechanism across all vehicular modes, including by car, van and heavy goods vehicles to incentivise travel at less busy times or by more sustainable modes.* The TfSES has a strategic objective: *A reduction in the need to travel, particularly by private car, to reduce the impact of transport on people and the environment.* with indicators of success: *A net reduction in the number of trip kilometres undertaken per person each weekday.* *A reduction in the mode share of the private car (measured by passenger kilometres).* Though it cops out of quantifying anything to do with carbon other than the 2050 government NZ target, the TfSES stresses that we need a fundamental change of transport modality: *given the level of modal shift required to achieve our vision for 2050* How are any of these 'strategic' objectives served by the entirely *predict-and-provide* methodology of the Applicant's scheme?
Q4.2.18 NH	*Please explain why, during appraisal of alternatives, it was not a key scheme requirement to minimise the impact and encroachment into the SDNP. Please also comment on why in paragraph 4.6.1 of the Stage 1 Technical Appraisal Report [APP-080] the SDNP was only referenced along with other*	The South Downs National Park has been identified as a key constraint from the outset of the Improvement project, as the M3 around Junction 9 is bound by, and is in part located within, the South Downs National Park. The Scheme is located in a transitional landscape where the Winchester downland merges into the Itchen River valley. The local landscape has been substantially altered by the existing highways estate development and urbanisation. Local character is dominated by roads and associated infrastructure including bridges, cuttings, slips and signage. The sensitivity of the landscape has been determined according to the landscape quality, condition and value and the ability or ease with which the landscape can accommodate the type of change proposed.	This response is breathtaking in its shameless impudence. The very agency that came to Winchester 30 years ago and wiped out the western salient of the South Downs and created a great barrier across the Itchen River (the view that Cobbett described as *'not one so fine'* in England) now tells us: *However, the presence of the existing motorway (5km of which passes through the South Downs National Park) diminishes these qualities.* It goes on to say that its latest scheme would not be

	environmental designations as a 'constraint'. (please note that the hyperlinks within the Technical Appraisal report have expired therefore it is not possible to access the detailed reports in paragraph 1.3.1 which may give more detail)	The significance of the constraint that the South Downs National Park imposes on the Scheme has also been acknowledged in the assessment of its special qualities. The nationally designated landscape of the South Downs National Park is characterised by a diverse range of landscapes including chalk valleys and open download which had the potential to be affected by the Scheme options. **However, the presence of the existing motorway (5km of which passes through the South Downs National Park) diminishes these qualities.** This suggests that the Scheme options would not be entirely incongruous within the local landscape. In addition, the Scheme area lies on the periphery of the South Downs National Park, and whilst the Scheme does include areas of **the designation the presence of the M3 was noted in these areas in which the Scheme is located when it was designated.** At the time of designation the Inspectors Report for Park Designation (2006), stated opportunities to experience this exposed and elevated landscape are limited thus making it less sensitive to change. It is therefore considered this area does not represent a core part of the South Downs National Park where levels of tranquillity and openness would typically be higher. Furthermore, the extent of the direct and indirect effects on the South Downs National Park will be relatively small and localised, in comparison to the considerably larger extent of the South Downs National Park where **chalk valleys and rolling landscapes are more prevalent than in the transitional landscape adjacent to the M3 Motorway** and Junction 9. #Paragraph 4.6.1 of Appendix 3.1 (Stage 1 Technical Appraisal Report) of the ES (6.3, APP-080) provides a (non-exhaustive) list of some of the environmental constraints and designations associated with the Scheme, that would be given further consideration during option appraisal. This statement therefore confirms that the South Downs National Park (amongst other constraints) was fully and appropriately considered as part of the multi-disciplinary assessment of the Scheme, during development through option appraisal.	*'incongruous'* with the mess that it has created before. Whoever felled the Sycamore Gap Tree would as reasonably argue that they might as well knock down the Roman Wall there too. Again this misses the point. If it hadn't been for the whole Winchester M3 disaster, the National Park designation would have inevitably included the Itchen Valley and the western escarpment of Bushfield, Yew Hill and Compton Down (the essential elements of Cobbett's description of the landscape). To argue that what they have ruined is a reason to regard everything they haven't ruined to be disposable is unconscionably philistine. What?! What chalk valleys and rolling landscapes in the SDNPA are missing in the vicinity of the motorway? What does the Applicant think all the campaigns from 1974 to 1994 were about if it wasn't to tackle threats to some of the best parts of the chalk valleys and rolling hills of the South Downs. Before the road builders came to Winchester there was no 'transitional landscape' here. The Itchen Valley was classically a valley within the chalk hills of the South Downs which extend westward (Bushfield Down, Compton Down, Yew Hill). The SDNP designation would logically have encompassed all of this, if it had not been for what the Applicant did here. The obvious physical and historical nature of our landscape cannot be renamed by these interlopers as 'transitional', a term which sems to be used for 'up for grabs'. Where is the documentation to show that this matter was 'fully and appropriately' analysed at the options appraisal stage?

		During preliminary design, the Applicant has continued to work with the South Downs National Park Authority to further reduce the extent of the Scheme within the South Downs National Park, such as the reduction in the construction compound size, and removal of the spoil deposition areas.	
Q5.2.1 NH	*Can further explanation be given as to why the use of 'Designated Funds' to enhance the application cannot be considered to be included in the DCO and if there is clear guidance from DfT or National Highways regarding this. If there is a legal explanation, please detail this including any case law that is relevant.*	At Issue Specific Hearing 2 (ISH2), there was discussion about two designated fund projects, one in respect of the River Itchen and one for chalk grassland. Neither of these projects are required to mitigate any adverse effects of the Scheme and therefore are not secured through the Development Consent Order. Both are standalone projects, with separate sources of funding, and both include land situated outside the Application Boundary. The Application Boundary for the Scheme represents the least amount of land required to construct the Scheme and mitigate significant adverse effects appropriately. Both designated fund projects seek to provide environmental enhancements; and, in the case of the chalk grassland project, the land would need to be purchased for that project to progress. It is not possible to use compulsory acquisition powers to acquire land for enhancement purposes as this would not meet the tests set out in Section 122 of the Planning Act 2008. In the event that there is certainty about the Designated Funds projects being delivered, if the Scheme was delivered, it would be possible for the Secretary of State to take either or both of these projects into account as a material consideration. The weight to be attached to those would be a matter for the Secretary of State, but it is likely to be limited by the fact that neither Designated Funds projects would be secured by the Development Consent Order. However, at the current stage there is no certainty that either project will come forwards, hence the Applicant does not consider that they can be taken into account. If the situation changes before the Examination closes the Applicant will update the ExA so that one or both of these Designated Fund's projects can be taken into account.	Why is it necessary for the *"land to be purchased for that project to progress"?* The chalk grassland project in question is Deacon Hill which was purchased by public subscription and is owned by HIoWWT. Is the Applicant really saying it cannot provide funds for mitigation of Nitrogen damage (admittedly not all the fault of road traffic) to this site without acquiring the land? Does it really believe that the Wildlife Trust would not permit this mitigation? The point appears to be conceded in the NH response to the next question.
Q5.2.2 NH	*At ISH3, IPs suggested that the provision of enhancements could potentially be achieved by means of contributing funds to local wildlife groups already working within the SDNP and surrounding area. This was rejected by the Applicant on the grounds amongst other things that it was unnecessary and could result in the need to exercise powers of CA outside of the Order Land. However, provided that the groups are already operating on the land in question and have permission to do so from the landowners, please explain why*	…… For clarity the Applicant accepts that compulsory acquisition powers would not be required if a financial contribution was made to a third-party organisation to undertake enhancement measures on land over which they have control. The Applicant is unable to use compulsory acquisition powers to permanently acquire land for plots 5/3c and 6/4d to provide additional chalk grassland (as suggested by SDNPA) as the Applicant does not consider this necessary to mitigate the impacts of the Scheme. Consequently, the Applicant does not consider that it could satisfy the test in section 122 of the Planning Act 2008 if it sought to acquire land for enhancement purposes.	See above

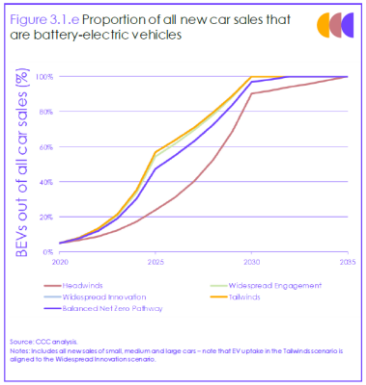
	this would involve CA and provide further explanation as to why such enhancement measures could not or need not be provided in connection with the application.		
Q6.2.1 NH	*During ISH3, the Applicant detailed the intention to produce a Carbon Reduction Plan. In their response to Deadline 4, the applicant signposted Appendix A of the Applicant Comments on Deadline 3 submissions [REP4-037] to a 'Carbon Budget Delivery Plan'. Please confirm if this is in addition to a 'Carbon Reduction Plan' as discussed at ISH3. Please provide further information to allow a clear understanding of how recording and reporting on carbon savings will lead to targetted reduction in carbon emissions and GHGs from construction. For example, please detail any proposed performance indicators or contractual obligations for the supply chain that will ensure all reasonable measure can and will be undertaken.*	The Carbon Budget Delivery Plan (CBDP) is a government published document (March 2023) and sets out the Government's detailed proposals to enable the delivery of Carbon Budgets 4, 5 and 6 (that is, to the end of 2037) in accordance with the UK's 2050 Net Zero carbon commitment under the Climate Change Act 2008. The CBDP is not an M3 Junction 9 Improvement Scheme document. It does not relate to recording or reporting greenhouse gas emissions for the Scheme and is separate from the Carbon Management Plan discussed at Issue Specific Hearing 3 (ISH3). Appendix A (Carbon Budget Delivery Plan)to the Applicant Comments on Deadline 3 Submissions (8.16, REP4-037) provides a contextualisation of the Scheme's emissions against the projected sectoral emissions across the UK carbon budgets that are set out within the CBDP. A Carbon Management Plan for the Scheme is being prepared by the Contractor to fulfil the requirements of National Highways Project Control Framework, and hence licencing requirements set by the Department for Transport (DfT). The Carbon Management Plan will record carbon reduction opportunities which can be implemented moving forwards through the detailed design stage of the Scheme. It will log the carbon savings made as a result of the implementation of these opportunities. Both National Highways, corporately, and the Contractor have their own commitments to reduce carbon. These commitments are outside this Development Consent Order application and will be secured contractually. They include measures to monitor carbon throughout the construction process. These matters will align with the corporate Carbon Management Plan that National Highways is developing which will be used at an earlier design stage in future projects where it is anticipated that significant carbon savings can be secured.	This appears to be all about monitoring and not about a plan to *"ensure all reasonable measure(s) can and will be undertaken".* This needs to be firmly tied down.
Q6.2.2 NH	*The Applicant's Written Summaries of Oral Case for ISH3 [REP4-036] confirms that as part of its corporate procedures it would prepare an internal Carbon Management Plan which will seek to find opportunities for material types, quantities, and design modifications in detailed design to ensure that carbon is part of the decision-making process during design as well as construction phases. However, it would seem that such commitments to reduce carbon*	As noted in response to Q6.2.1 above, the Carbon Management Plan is required to fulfil National Highways contractor obligations and is a Project Control Framework (PCF) product. The production of this document is therefore not secured through the Development Consent Order but will be delivered through these separate corporate and contractual requirements. The PCF process requires a Carbon Management Plan to be prepared and updated for each design stage (Stage 1 though to Stage 7) and the establishment of a carbon baseline at Stage 2 to allow comprehensive reporting of carbon emission and to enable the consideration of carbon early on in the design. As these requirements were brought into effect after the Scheme completed Stage 3 design (the design submitted with the DCO and on which the Environmental Statement was based), a carbon baseline was not established at Stage 2. Therefore, any design changes that could have led to carbon savings between Stage 2 and 3 have already been realised (but are not quantified) through the development of the Stage 3 design submitted with the Development Consent Order. Further opportunities to reduce carbon will be	As above. The Applicant appears very unwilling to commit itself on this matter, which begs the question of its sincerity in the matter. Are we really supposed to trust National Highways to do the right thing on carbon reduction?

	would not be secured through the draft DCO? In those circumstances, what, if any, weight should be attached to these commitments	investigated and identified where possible during the detailed design to maximise carbon savings. Carbon reduction measures will be considered at later design stages, through the implementation of the Carbon Management Plan. These have been secured through the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 5). These include using sustainably sourced materials, recycled or secondary materials where possible and using electric and hybrid plant and equipment where possible. While the Carbon Management Plan is not secured through the DCO, the measures that it would include have been secured within the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 5) can be given weight as additional mitigation within the Environmental Statement (ES) (6.1-6.3, APP-042-APP-153).	
Q6.2.3 WCC HCC SDNPA	*Please comment on the applicants proposed 'Carbon Budget Delivery Plan' shown in their response to Deadline 4, in Appendix A of the Applicant Comments on Deadline 3 submissions [REP4-037].*	**SDNPA:** The SDNPA notes the contents of this report and the anticipated greenhouse gas emissions arising from the proposed scheme. Whilst it is acknowledged that these forecast emissions represent a very small percentage of the country's overall carbon budget the absolute figures (i.e. the tonnes of CO2 anticipated to be emitted by the scheme per year) are large. These figures are only likely to increase with the Government's recent decision to push back the ban on the sale of new petrol and diesel cars from 2030 to 2035. **HCC:** Hampshire County Council has no comments to make on the Carbon Delivery Budget Plan which has been produced to provide the contextualisation of the forecast carbon outputs of the scheme against the UK carbon budget **WCC:** The Applicant's response summarises the increase in GHG emissions and contextualises this in a national context against the UK's 4th, 5th and 6th Carbon Budgets. It is clear from this that the increases arising from the proposed scheme are working in the opposite direction to that required by the CBDP. This is underlined by the Climate Change Committee's report of 28th June 2023 which recommends that national road schemes should contribute towards meeting the budgets and not the opposite direction.	Do they form a *very small percentage* of the country's overall budget? If one thinks in terms of the complete transport disposition of the UK, what proportion of its contribution would one expect? The modelling of the carbon emissions covers SE England region. The carbon budget for the UK transport sector is 1056MTCO_2e. With a population of 67.3M that represents 15.68MT per head for all domestic surface transport. This scheme modelling totals 222.4MT (6.2 Climate document §14.7.16) equivalent to 236.5MT for the whole transport sector (road is about 94%) for the 9.18M SE England population, just for road transport, that is 25.8MT per head. That leaves the rest of the UK with 819MT or 14.1MT per head. So already, according to the modelling, road transport in the region is emitting carbon disproportionately higher than the country as a whole, in fact about 80% higher than the rest of the country. The scheme itself (DS-DM) is modelled to produce an extra 0.3MT. This signifies that this scheme is about 1/3000 of the carbon budget for the whole nation. Does it seem reasonable that the small supposed advantages of this geographically small scheme are worth 1/3000 of the transport needs of the whole nation? We should bear in mind also that the DS-DM calculation is in fact an underestimate of the carbon consequence of the scheme. As explained at the start of this document, DM traffic levels in the future can only be accommodated in full by the building of the scheme (that is the trick NH always plays), so if we were being honest about carbon consequences we should

			include the extra traffic that the scheme allows to happen.
Q6.2.4 WCC	*Please confirm that it is agreed that the Winchester Carbon Neutrality Action Plan is not applicable to the scheme given that it states that the scope of the Action Plan will exclude motorways as these are national infrastructure and will require a national response. If that is not agreed, please explain why you consider it to be a relevant and important consideration*	The council's Carbon Neutrality Action Plan (CNAP) contains our analysis and plans to meet our 2030 target of Carbon Neutrality as a district. Transport is responsible for generating 55% of the carbon emissions emissions within the Winchester District. The CNAP therefore contextualises and incorporates regional and central government policy requirements covering transport policy including Net Zero Growth for Transport and Hampshire County Council's emerging Local Transport Plan 4. These are captured in the revised CNAP 2023-2030 which was adopted by our Cabinet on 13 September 2023 which sets out targets for reducing transport emissions that would be impacted by the additional traffic flows generated by the scheme.  	We concur with the City response on this. It was always obvious to us that the rather loosely written statement in the Action Plan could not logically imply that the Council would discount carbon emissions from the strategic network passing through the District. While WCC has no possibility of control (though it always has the possibility of influence through lobbying government etc.) over traffic passing through the District, it must have a legitimate *locus standi* for action on reducing carbon from all trips with a trip end in the District. Both those trips that already exist and those that are generated (induced, reassigned etc.) by this scheme.
Q6.2.4 WCC continued	From WCC heading to responses to ExAQ2: The Carbon Neutrality Action Plan (CNAP) was also discussed as the Applicant has discounted this document as motorway emissions are excluded from the Council's Action Plan. The reason for this exclusion is because motorway emissions are beyond the scope of the Council's control. The CNAP indicates that motorways are national infrastructure which require a national response. The NSIP process is part of that national response referred to and the Council disagree that the overall aims of the CNAP should be discounted by the Applicant. The Applicant has provided the Council with a clear comparison of the mitigation measures used for the A417 Missing Link NSIP and the M3 Junction 9. It is clear from this submission that similar mitigation measures are being provided compared to the A417 scheme, however this was not demonstrated clearly due to its presentation across a number of documents. The Council highlighted that this demonstrates the presentation of the Applicant's mitigation is not acceptable or clear. Mitigation measures are spread across different documents with no clear method to secure the details. The Applicant also highlighted that the M3 Junction 9 Scheme is included with the National Highways Net Zero Highways plan as this assessed schemes in the pipeline. During the meeting, the City Council requested that:		We are glad to see this spelled out. We have never been able to understand how WCC came to say it agreed with the principle of a scheme which manifestly destroyed all possibility of it meeting its carbon Action Plan. That the Council has attempted to come to some understanding with the Applicant on the issue is entirely laudable, but the impossibility of reconciling the mathematically irreconcilable positions was always an inevitable conclusion. The Council now appears to recognises that climate action is an imperative; building roads is not. It is a pity that the County Council, with its declaration of climate emergency, does not recognise this, but apparently lives in a world of cognitive dissonance. This is apparent in the

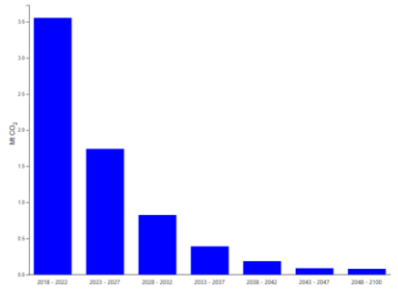
	1) The Applicant produce a single document which includes all Climate mitigation. This would allow the single document to be included as a Requirement and provide security to the City Council that the mitigation and measures would be delivered and not lost in the general submissions made. 2) The Applicant provide any further security that the scheme has been considered more generally by National Highways as part of their wider Net Zero Plans. In an email received 13 September 2023, the Applicant provided links to existing documents and confirmed the below – "Regarding further mitigation and offsetting mentioned, including amending speed limits or a Hydrogen Plant, National Highways confirm that no further mitigation is required under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 given that the assessment concludes no significant effects and therefore no additional mitigation will be included in the application for the Scheme. Regarding a dedicated annex to list climate measures and quantifying figures. As noted in the meeting, we are not in a position to be able to quantify figures at this point in the Scheme. We have taken instruction that a dedicated annex will not be produced and National Highways position on this will not change. This would be a duplication of information which is already available within the application documents. It is not a requirement. This will be our position at Deadline 5." The City Council acknowledge the restrictions of current policies including NSPNN and LA 104 in the assessment of GHG impact and mitigation. The City Council had hoped to work collaboratively with the Applicant in order to obtain as much mitigation as possible following the declaration of Climate Emergencies for all host authorities and the adoption of the Carbon Neutrality Action Plan. The City Council also note the recent Government announcement (20 September 2023) which delays the sale restrictions on petrol and diesel vehicles and the transition to electric vehicles. The applicant in their submission notes that 'the banning of the sale of petrol and diesel cars by 2030, and the decarbonisation of the National Grid, is anticipated to continue to reduce the GHG emissions associated with the Scheme over time' (14.19.8) As the restriction has been postponed, clarification on the impact of the recent announcement is required from the Applicant. The requests of the City Council to obtain a single document outlining mitigation alongside an assessment of how the scheme functions with the Applicant's wider Net Zero plans are not unreasonable. The Applicant has unfortunately not agreed to work with the City Council on these points. This is a missed opportunity and for this reason the City Council will not be able to reach agreement with the Applicant on Climate.	incoherence of the emerging LTP4.
Q6.2.7 NH	*The Applicant's Written Summaries of Oral Case for ISH3 [REP4-036] refers to the Response to the RR-096 [REP1-031]. This provides a table to indicate where IEMA assessment principles are addressed within the ES Chapter 14. The Applicant states that the response assesses the scheme under the IEMA guidance (IEMA, 2022), concluding that the scheme is considered to have a minor adverse and not significant effect.* *(i) Please direct the ExA to where this is specifically set out in the*	(i) The Applicant's response to RR-096 can be found on pages 62-65 of Applicant Responses to Relevant Representations (8.2, REP1-031). The table within the response (page 64) demonstrates that the same principles set out in the IEMA guidance have been applied throughout the assessment. Commentary is also provided in the response to RR-096 on pages 64 and 65 of the Applicant Responses to Relevant Representations (8.2, REP1-031) to show that the IEMA guidance would not change the Applicant's conclusion that the Scheme's effect would not be significant. It should be noted however, that this is additional to, but not an alternative assessment to, that of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2), which follows the required methodology of DMRB LA 114 (Highways England, 2021).	In the cited response to RR-096 the Applicant quotes from IEMA: *The IEMA guidance also explains in Section 6.2 that 'the crux of significance is not whether a project emits GHG emissions, not even the magnitude of GHG emissions alone, but* ***whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050.'*** *Therefore, to assess the significance of a project's whole life carbon emissions, an assessment of the Scheme's carbon reductions has to be made against a baseline which contains a trajectory towards net zero.* ***The very fact that a project may result in residual emissions is insufficient to render its emissions significant if it is in alignment with the UK's trajectory to***

	Response to the RR-096. Has the Applicant carried out such an IEMA assessment to achieve that finding or instead sought to identify where the principles have been applied in the ES? *(ii) Please comment on Dr Boswell's conclusion in his written representation [REP4-041] that since he considers that the project undermines securing the CBDP and the net zero target, it falls to be assessed as "Major Adverse" on the IEMA significance thresholds.*	(ii) Dr Boswell's comments around the recent report from the Climate Change Committee (CCC) to Parliament (CCC, June 2023) following publication of the Carbon Budget Delivery Plan (CBDP) are noted. In this report, the CCC makes several recommendations to Parliament, which are set out in Table 4. None of these recommendations are designed to halt the consenting and delivery of road projects. The recommendations of the CCC in its 6th Carbon Budget Report (CCC, December 2020) demonstrate the likely measures through which the budget will be achieved, **none of which advocate for a halt road projects**.	***net zero.*** *The 2022 IEMA guidance further states that 'the context of a project's carbon footprint determines whether it supports or undermines a trajectory towards net zero'. Given the previously mentioned context that there are no legal sectoral or local carbon budgets or trajectories to net zero in place, using the national UK Carbon Budgets to contextualise the Scheme's emissions would remain the most appropriate approach if the assessment were to apply the IEMA guidance.* The CCC may not have called for a halt to road projects but it carries the explicit assumption that road traffic will reduce by 9%, not increase as per the forecasts used by NH. The CCC certainly expresses concern about predict-and-provide for traffic growth. Referring to the developing NPSNN it says: *However, the draft statement needs to be clearer on the network's role in reducing traffic growth rather than simply meeting the demand projected in the Core NRTP scenario.* It also says: *The strategic priority of Net Zero should mean that all scheme appraisals (including roadbuilding decisions) must explicitly consider the NRTP decarbonisation scenarios and assess the emissions impacts that they will generate. Where these are detrimental, there should be a requirement to develop mitigating actions to reduce these impacts* And, of course, NH conveniently ignores the fact that the CCC calls for a review of road building projects: *At a UK level, various road-building projects have recently been pushed back due to fiscal headwinds (***). The Government should launch a more strategic review (similar to the Welsh Roads Review) to assess whether these projects are consistent with its environmental goals* *** The CCC report preceded the Great Train Robbery where public transport money (HS2) has been shamelessly siphoned into the roads budget. The CCC's observations on the traffic forecast scenarios are also important: *The Core scenario is based on only 'firm and funded'*

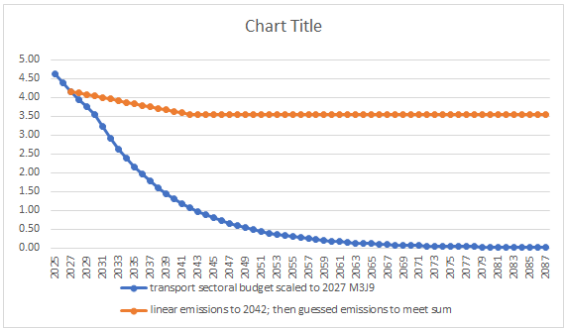
		The CCC's June 2023 advice to Parliament states that it has less confidence in medium term targets being met compared to a year ago **but importantly it does not suggest that Net Zero will not be achieved**. Nor does it advise that any development would undermine securing the CBDP. The Applicant considers that the Scheme, as a single project for works to the strategic highway, would be highly unlikely to undermine securing the CBDP. As demonstrated in (i) above, undertaking the assessment in accordance with IEMA guidance would not change the Applicant's conclusion that the Scheme's effect would not be significant. The Applicant therefore disagrees that the Scheme should be assessed as major adverse on the IEMA significance thresholds.	*policies and as such does not take account of the UK's legislated carbon budgets and Net Zero commitment.* *– DfT has made clear that it sees this scenario as representing a 'common analytical comparator' to enable comparisons to be made between scheme impacts, and the department's analytical leadership has suggested that wording should make clear that it should not be seen as a 'most likely' scenario.* *– Indeed, the aim should be for all policy decisions and scheme approvals to move the system away from this counterfactual and towards a vision consistent with cost-effective decarbonisation*. NH seems incapable of understanding that what matters much more than Net Zero is the trajectory for meeting it (i.e. the cumulative emissions is what the future of the planet and the carbon budget is all about). It is very clear that the Climate Change Committee is unhappy with what is happening on road transport. Even before the Sunak revisionist announcement, the sale of EVs is only 'on track' in the sense that it is already on the lowest "headwinds curve" (currently 17% of sales) in the 6th Carbon Budget:  We've yet to see how vehicle purchasers will react to the kicking of the 2030 deadline into the long grass. The CCC has pointed to an alarming rise in the purchase of heavy SUVs, with their much higher emissions. What this strange reading of the CCC Report to Parliament omits to point out is the worries the committee has that traffic will grow: *By this new steady state for road transport demand, we mean that the rebound in road vehicle-kilometres following*

			the pandemic appears to have plateaued at a level around 5% below pre-pandemic levels. This is likely to resume growing at the rate it did before the pandemic unless policy interventions are introduced to limit traffic growth.
Q6.2.10 WCC	*In the SoCG between the Applicant and WCC [REP4-030] the WCC position is that the scheme must be redesigned to be carbon neutral as a minimum, if necessary, using mitigation or offsetting to achieve this.* *(i) Please outline the further details that you seek in relation to mitigation and offsetting and what are your proposals for further mitigation and/or Carbon Offsetting Funds that would result in the scheme being carbon neutral.* *(ii) In relation to the provision of Carbon Offsetting funds, what level if funds are sought and how would that be secured and utilised.*	WCC have requested that a single document is submitted to cover mitigation and offsetting. The Applicant has so far declined to produce this. We have also asked for a response on a number of mitigations and offsetting, namely: - Creation of a Carbon Fund - Consideration of lower speed limits through the zone to lower traffic emissions - Consideration of additional design elements to support the Government's Net Zero Growth for Transport e.g. compound to be 'design ready' for a hydrogen fuelling hub or EV charging zone for HGVs/coaches/cars post construction - Contribution towards cycle routes in the area - Tree planting or purchase of Carbon Credits that would cover the increase in emissions generated by the scheme. We consider the current list of mitigations shared to be, in effect, a list of current good practice. It includes a large number of items that are adopted as standard by the applicant such as lighting, low temperature asphalt that are now used as standard in all road schemes. There are no offsetting measures offered over that have been quantified by a calculation of carbon impact making it impossible to judge the impact against the carbon increases arising from the scheme. ii) The UK ETS (UK Emissions Trading Scheme) had a price in 2022 of £83/tCO2e. This would equate to Construction emissions (37,070 tCO2e): £3,076,810 Operational emissions (2,690 tCO2e): £223,270 per annum	We applaud the City Council's attempt to get the Applicasnt to find a way of neutralising the carbon consequences of this scheme, but it seems a topsy -turvy world in which they are asked to do this. In a sane world we would not be contemplating anything that increased carbon emissions for road transport. The basic argument that the road transport sector should be allowed to increase emissions in certain circumstances rests on an absurd position that some other sector's emissions will be reduced by more than their defined trajectory. Why should road transport be deemed to have this priority? Industrial, Commercial and Domestic emissions are actually much less easily than transport emissions, for the reasons we have given in our earlier submissions. Road transport is highly subsidised and very discretionary. If users paid for the externalities they impose on the rest of the economy (in particular the externality of climate consequences) their use of the roads would diminish dramatically, through the elasticity of demand to price paid. It is hard to see that any of the other sectors, except air transport, have the same level of discretion (i.e. ability to change behaviour) to reduce emissions. Offsetting is a last-resort measure at best and mostly a confidence trick in reality. The Verra scandal showed that 90% of carbon offsetting by big corporations in rain forest projects achieved no carbon reduction. Carbon trading is also a highly dubious intervention – the Wikipedia article on the subject details many of the problems of effectiveness and equity that arise from schemes that have largely figured in the realms of speculation more than in the interests of climate action and climate justice.
Q6.2.12 NH	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section*	**NH:** (i) and (ii) As set out in RR-018e in Applicant Responses to Relevant Representations (8.2, REP1-031) and Written Question 6.1.5 in Applicant responses to Written Questions (8.5, REP2-051), current guidance and legal context is that	

WCC Dr. Boswell	*5.5 deals with the issue of the Tyndall carbon budget for WCC which was mentioned at ISH3. (i) Please summarise and clarify your position in relation to the relevance of local carbon budgets to this application?* *(ii) Please comment on the value of the carbon emissions from the scheme being assessed in the context of the Tyndall Centre budgets, both for WCC and for Hampshire as a whole.*	road schemes should be assessed against National Carbon Budgets only. On that basis, local carbon budgets, such as the Tyndall Centre budgets, can be used for contextualisation only and cannot be used to assess the significance of effects. As a nationally significant transport infrastructure scheme, it is not appropriate to assess against local budgets **as trips enter from and extend beyond the Winchester City Council and Hampshire boundaries**, Any contextualisation against the Tyndall Centre budgets would provide supplementary information only and would not form an alternative assessment to that within Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2). Given that the Applicant has provided additional contextualisation against the Carbon Budget Delivery Plan (CBDP), provided in Appendix A of the Applicant Comments on Deadline 3 Submissions (8.16, REP4-037), the Applicant has not undertaken another contextualisation against the Tyndall Centre budgets, nor is it a requirement to do so in the DMRB LA 114 Climate (National Highways, 2021). **WCC:** i) The concept of carbon budgets is an important one. The IPCC Special Report "Global Warming of 1.5°C" has estimated the quantity of CO2 that can be emitted globally and still be consistent with keeping global temperatures well below 2°C and pursuing 1.5°C. The report gives different budgets for different temperature rises and probabilities. The Tyndall Centre Carbon Budgets reports have selected from the IPCC report a global budget figure of 900,000 MtCO2 as the basis of their work. Keeping global warming to below 1.5°C with at least 66% probability corresponds to current global emissions rates for less than 10-14 years. ii) To help understand the magnitude and pace of carbon reductions required, the IPCC Special Report 2021 estimates the amount of carbon we can emit globally to stay within certain temperature rises. Following this, the Tyndall Carbon Budget Reports has provided UK local authority areas with budgets for energy related CO2 emissions from 2020 to 2100. They are informed by the latest science on climate change and carbon budget setting. The Carbon Budget reports estimate the carbon budget for the UK to be 3,737 MtCO2 . This represents the UK operational carbon budget across all sectors. Tyndall Carbon Budget Report for Winchester recommends the following: - Winchester City Council should stay within a maximum cumulative CO2 emissions budget of 5.2 MtCO2 for the period 2020-2100. If emissions continue at 2017 levels, the entire carbon budget for the area would be used within 6 years (from 2020) i.e. by 2026; - Emission reductions should average a minimum of -13.9% per year;	What is obviously relevant to the local authorities and their climate action plans are the carbon consequences of trips that are generated or altered by this scheme, which have trip ends within the District or County boundaries. What NH appear to be arrogantly saying is that the Tyndall budgets on which the Councils are relying are of no interest to them, effectively saying that they see no need for contextualisation against the democratically agreed climate policies of the local areas to which they are bringing a carbon generating scheme.

		Tyndall Centre estimation of remaining carbon budget (from 2020) for Winchester staying "well below 2°C and pursuing 1.5°C temperature rise. Aviation and Shipping are regarded as a national overhead and not included in local budgets. Image not to scale.  *5-yearly carbon budgets for Winchester's total contribution, showing the pathway for staying "well below 2°C and pursuing 1.5°C" global temperature rise. Reductions in carbon emissions associated with buildings need to, at the least, mimic this trajectory. Data source: Tyndall Centre Carbon Budgets Report.* We also would like to see a comparison provided by the applicant of emissions from the scheme to the SE area emissions. It seems the emissions arising from the scheme would contribute to missing the carbon reduction targets set out in the Government's Net Zero Growth for Transport White Paper and find that the SE England transport emissions trajectory would be exceeded.	
Q6.2.13 WCC	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4 includes criticism of the WCC's significance statement. He does not agree that a significance assessment of "moderate adverse" or "major adverse" can be transmuted to "minor adverse" (and not significant) by "mitigation, offsetting and monitoring measures. His position being that "No amount of mitigation or offsetting is going to bring this assessment down to the level of "minor adverse"." Please comment upon the criticism made by Dr Boswell in this respect and explain why you consider that such measures would bring the assessment down to the level of "minor adverse".*	WCC would like to give the applicant an opportunity to put forward additional measures covering mitigation, monitoring and offsetting and to give these full consideration. The City Council acknowledge the restrictions of current policies including the NSPNN and LA 104 in the assessment of Climate and GHG mitigation but in light of the context have made a number of suggestions and have invited the applicant, as the experts in this area, to also put forward additional proposals. At present we are not able to confirm whether the mitigation put forward, or any mitigation presented in the future, would bring the assessment down to 'minor adverse' due to the lack of detail.	The WCC already has a significant problem with finding measures to fit to its 2030 decarbonisation trajectory and has not even yet fully identified the offsetting shortfall of its own estate emissions, let alone the much bigger emissions of the District. Any additional emissions within the District, therefore, have to be considered as major risk factors to the achievement of its decarbonisation strategy. It is especially significant that these additional emissions are in the transport sector, where strategy failure is already most likely.
Q6.2.14 NH	*The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] makes a number*	(i) Please see the response on the modelled change in traffic flows, journey times, and BCR calculation set out in REP2-082c of Applicant Comments on Written Representations (8.8, REP3-022) where the points made by Winchester Action on	

	of criticisms of the information provided by the Applicant in support of the application. *(i) Please respond in detail to the criticism of the cost:benefit analysis that has been carried out and clearly explain the position in relation to that calculation including the application of any weightings and the potential exclusion of any disbenefits.* *(ii) Please respond in detail to the criticism of the GHG modelling and its compliance with the guidance in NPSNN and DMRB LA 144 including the appropriate geographic area for consideration and clarifying the scope of the transport emissions modelling and the roads that were taken into account.* *(iii) In relation to the DM and DS emissions figures for 2027 and 2042, please respond to the criticism that these show that emissions related to this proposal will reduce at only one sixth of the rate required by the Net Zero Growth Plan for transport and that the application poses a serious risk to the whole plan.* *(iv) Please provide further details of the economic benefits claimed for the scheme including how these have been calculated and a clear explanation as to the weighting given to each item.* *(v) Please comment on the omission of certain factors such as PM2.5 pollution.*	Climate Crisis repeat those in their written representation (REP2-082). The Applicant notes Winchester Action on Climate Crisis has extracted reporting and data from the Combined Modelling and Appraisal Report (7.10, Rev 1), however, does not agree with the interpretation or relevance of the selected and presented data. The simplistic summation of traffic flows from the different model periods and road links masks the range of predicted Scheme impacts as does the averaging of journey times without reference to corresponding traffic flows. The Applicant also notes that the representation of Table 4.3 from the Case for the Scheme (7.1, Rev 1) is only part of the predicted Scheme journey time savings data where Table 4.4 of Case for the Scheme (7.1, Rev 1) shows other positive impacts in the PM peak. The applicant does not agree that the predicted reduction in traffic in central Winchester and reduction in journey times are "marginal" or "minimal". The Applicant notes the predicted decrease in traffic in central Winchester on several local roads and considers this to be a notable positive impact. The Applicant also considers that the strategic model and operational model journey times demonstrate predicted improvements with the introduction of the Scheme. The Scheme Benefit to Cost Ratios (BCRs), calculated in accordance with Department for Transport guidance, includes journey time benefits (£155.5M) based on the strategic modelling predicted travel time savings, which are predominantly due to the provision of the free-flow movement between the A34 and the M3. The Applicant notes that, as reported in Section 5.6 of the Case for the Scheme (7.1, Rev 1), the Scheme initial BCR is 1.35, however, the adjusted BCR is 1.72 and this is omitted in the Winchester Action on Climate Crisis submission. The Applicant considers that all required scheme benefits and disbenefits are included in the economic appraisal in accordance with Department for Transport Guidance. This includes the monetisation of PM2.5 impacts which are assessed as part of the air quality benefits. The Scheme cost-benefit analysis is detailed in Chapter 5 of the Combined Modelling and Appraisal Report (7.10, Rev 1). This includes details of the economic appraisal process covering the methods used, economic parameters, calculation of monetised benefits, inclusion of costs, and presentation of the cost-benefit analysis metrics. No weightings are applied to the different monetised impacts, where these are calculated separately, the sum of these is presented in the economic appraisal with overall net positive Scheme benefits. (ii) Please see the response on the geographical study area for the greenhouse gas assessment set out in REP2-082f of Applicant Comments on Written Representations (8.8, REP3-022) as well as the commentary below. Paragraph 3.9	Although this question relates to points made by WinACC, it was WinFoE who drew attention to the complete lack of proper statistical justification for the assertions of benefit to the streets of Winchester. A model which has shown a high variance of fit (see AS-010) to observed data on the streets of Winchester, together with a high variance of observed data for individual streets of Winchester can give no credence to assertions of significant DS-DM differences on the streets of Winchester. It cannot do this on fitting the model to existing data; it certainly cannot do it in relation to forecast data, where DM and DS traffic flows on the streets of Winchester are way beyond the highly congested present values (see discussion at head of this document). Since the COBA produces air quality benefits from assuming these statistically unjustifiable DS-DM differences, that benefit itself must be unjustified. Add to this the unreliability of $PM_{2.5}$ modelling using PM_{10} proxy (see my D4 submission REP4-055). In any case, what this scheme does is allow as much of the DM modelled traffic growth to occur as possible. So it brings traffic to the streets of Winchester it would not otherwise bring – it is preposterous that this extra pollution can be regarded as beneficial. In any case does the Applicant believe that its DM scenario for choking most of the streets of Winchester would be tolerated by the local Council? We are ready to defer to Dr Boswell on much of this material, because he is clearly more versed in its complexities. Here, however, is as good a place as any for us to express our

		of the Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, 2021) requires the study area for the operational road user emissions to be 'consistent with the affected road network defined in a project's traffic model'. The traffic model covers South East England as shown in Figure 14.1 in Chapter 14 (Climate – Figures) of the ES (6.2, APP-076). The study area for operational end-user emissions therefore utilises this same area in order to be consistent with the Scheme's traffic model, as stated in Section 14.6 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2). This study area is appropriate as the traffic model determines the area where vehicle movements will be affected by the Scheme, which in turn is where greenhouse gas emissions from transport would arise. The impacts of greenhouse gases are global rather than affecting one localised area and so the traffic model provides a logical and reasonable way of establishing the scope of assessment. To reiterate previous responses and the methodology set out in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2), the greenhouse gas assessment has extracted all road links and traffic flow information from the Scheme's traffic model and entered these into Defra's Emission Factor Toolkit (EFT) which calculates the carbon emissions arising from transport. The assessment does not use a different study area to that of the Scheme's traffic model. 48 (iii) The indicative rates of reduction in transport emissions set out in the Net Zero Growth Plan apply to the national transport sector. Reductions will therefore occur in different locations across the UK at different rates in order to achieve the indicative national target. It is not reasonable to assume that an individual scheme will need to achieve the same rate of reduction so as not to pose a risk to the plan as a whole, as schemes will be of different types and scales, with some able to achieve greater carbon reductions than others. Alongside the indicative emission reduction pathway for the transport sector, the Net Zero Growth Plan (DESNZ, 2023) also sets out how these reductions will be delivered. This includes phasing out the sale of all types of new non-zero emission road vehicles, supporting development of the UK's charging infrastructure network, increasing levels of cycling and walking and accelerating aviation and maritime decarbonisation. It does not advise that new developments would undermine securing the targets within the Net Zero Growth Plan. These actions are, with the exception of improvements for walkers and cyclists, beyond the scope of the Scheme to deliver or achieve. Therefore, these actions cannot be secured by the Scheme and cannot be relied on as mitigation under the EIA Regulations. The greenhouse gas assessment has taken into account future uptake of electric vehicles and changing fleet composition within both the Do-Minimum (DM) and Do-Something (DS) scenarios through the use of DEFRA's Emission Factor Toolkit. This is the accepted position from Government on future EV uptake in the UK and is a widely accepted approach taken within Environmental Impact Assessments (EIA). Due to the lack of available information, it has not been possible to accurately incorporate how the other national plans will lead to carbon reductions for transport emissions within the study area that has been assessed. The	incomprehension of the Applicant's position on modelling GHG and its supposed contextualisation of the scheme effects in relation to the carbon budgets. The only visible output of the GHG modelling presented to this Inquiry is summarised at 6.1 Climate §14.7.16 The end-user carbon emissions for the DM scenario is as follows: • 2027: 4,157,875 tCO2e • 2042: 3,549,335 tCO2e • Total over modelled 60-year operation (2027-2086): 222,088,200 tCO2e Whatever 'contextualisation' means in the NH vocabulary (and it is very hard to discover) there must surely be some mapping of the modelling to the carbon budget for the surface transport sector. For simplicity in plotting the sectoral budget I take the three carbon budget figures for the transport sector, which have a close-to- log-linear form and extrapolate (I think Phil Gagg has shown the actual upper and lower ranges of the actual carbon budget trajectories – but they closely resemble this curve). I scale it to match the 2027 scheme emissions. For the outcome of the scheme modelling process I simply linearly interpret the Applicant's data for 2027 and 2042 and linearly interpret the remaining years of the scheme such that the area under the curve totals 222MT. Essentially this computes to constant emissions for 2042-2087.  Constant emissions from 2042 must have been an assumption of the modellers. A very strange one, that I can find no

		assessment therefore takes a conservative approach by not accounting for these potential carbon reductions within the assessment, as they apply nationally and require Government action. However, the Scheme does not hinder or prevent progress of these actions that need to take place to allow for the target to be met. On that basis, the Applicant disagrees that the Scheme would pose a serious risk to the Net Zero Growth Plan. (iv) The Scheme cost-benefit analysis is presented in Chapter 5 of the Combined Modelling and Appraisal Report (7.10, Rev 1). This includes details of the economic appraisal process covering the methods used, economic parameters, calculation of benefits, inclusion of costs, and presentation of the cost-benefit analysis metrics. No weightings are appliedto the monetised impacts, where these are calculated separately, and the sum of these is presented in the economic appraisal in the Analysis of Monetised Costs and Benefits (AMCB) see Table 5-25 of the Combined Modelling and Appraisal Report (7.10, Rev 1) with overall net positive Scheme benefits. (v) The assessment of PM2.5 has not been omitted from the application as stated in response to ExQ2 3.2.2 above and also in point (i) of this question above.	explanation for in the documents. The first thing to say is how is this modelling being 'informed' by the carbon budget trajectory at all? There seems to be no plausible relationship. But the actual numbers put into question the whole proportionality of this scheme. We are required to believe elsewhere (re Wider Economic Benefits) that there is a need for a scheme in this region that transcends the commitment to the levelling up agenda. Yet what this data shows is that the region is planet-burning out of all proportion to the rest of the UK. The surface transport sector budget for the cumulative emissions to 2050 is 1055.6MTCO_2e, which if we extrapolate the tail of the trajectory to the scheme lifetime is 1162MT. The cumulative road transport carbon for the SE region over the lifetime of this scheme, from the document above is 222.09MT. Since something like 94% of surface transport emissions belong to road transport, we should divide this SE number by 0.94 for comparison with the total budget – i.e. about 236.6MT. The population of the SE region is 9.18M against a UK population of 67.33M. The modelling therefore suggests that the SE will emit 25.8T on surface transport per head of population, whilst the rest of the UK as a whole is expected to emit 14.1T per head of population. Some levelling up when the SE is burning 83% more per head of population than the rest of the UK.
Q6.2.16 NH	*The Post Hearing submission of Winchester Action on Climate Crisis [REP4-049] in relation to ISH3 Item 3 Climate Change and GHG Emissions: User emissions sets out detailed criticism of the GHG calculations including that are not coterminous with the published traffic modelling area, and as such do not comply with the guidance. Please respond to that criticism and either provide*	Please see the response to ExQ2 6.2.14 (ii) above for comments on the traffic model. The greenhouse gas assessment has extracted all road links and traffic flow information from the Scheme's traffic model and entered them into Defra's Emission Factor Toolkit (EFT) which calculates the carbon emissions arising from transport. The GHG assessment uses a single study area which is the same as the study area of the Scheme's traffic model. Therefore, the assessment in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) does comply with Design Manual for Roads and Bridges (DMRB) LA 114 Climate (Highways England, June 2021), and as such it is not necessary to provide further information.	If the traffic modelling and GHG modelling areas are coterminous, then our calculations under Q6.2.14, in relation to the disproportionately large carbon emissions for the region, apply.

	the additional information available on GHG calculations or explain fully why it is not available or unnecessary to do so.		
Q6.2.17 NH	*The Climate Emergency Planning and Policy post hearing submissions [REP4-042] Section 5.3 Significance assessment and decision making by the SoS states that the SoS has always made DCO road decisions on the assumption that Net Zero, and/or previous climate budgets and targets, is going to be delivered. Dr Boswell's position is that it is no longer credible, to rely upon the delivery of Net Zero (and the CBDP).* *(i) Please comment on the reliance that can be made by the SoS in relation to DCO road decisions upon the assumption that Net Zero, and/or climate budgets and targets, are going to be delivered.* *(ii) Please explain your position in relation to the consideration of the significance of carbon emissions from the scheme, and whether it can be assumed that Net Zero and the CBDP will be delivered.* *(iii) Please comment on whether it must first be established that the UK carbon budgets and targets are secured before it can be determined whether this scheme would have significant impacts on the ability of the Government to meet its carbon reduction targets*	(i) The Applicant believes that Dr Boswell's submissions at REP4-042, section 5.3 can be summarised as follows: ▪ The security of the delivery of the carbon budgets and targets is an important consideration, with Dr Boswell stating that it is not secure; ▪ Therefore, the assumption that net zero, and/or previous climate budgets and targets, and the nationally determined contribution is going to be delivered, is not safe; ▪ The assumption, which is built into paragraph 5.17 of the NPS NN, is out of date as it was written prior to the net zero target, the net zero strategy and the carbon budget delivery plan stating that the statutory plan required by the Climate Change Act is now the CBDP; ▪ Given this, the Secretary of State cannot depend upon paragraph 5.17 NPSNN without knowledge of the current policy and legal framework and its shortcomings with respect to security of policy delivery; ▪ It is first necessary to establish that the UK carbon budgets and targets are secured before being able to claim that a particular scheme does not have significant impacts on climate; ▪ As the budgets are not secured, any additional emissions may make the delivery of the 2030 NDC or the 6th carbon budget less achievable, potentially engaging section 104 Planning Act 2008 where the Scheme would lead to a breach of its international obligations, breach of any statutory duty or be unlawful. The Applicant would respectfully suggest that the question of what reliance that can be made by the Secretary of State on the deliverability of national net zero targets which the Government has a legal duty to deliver is a matter primarily for the Secretary of State. If it is of assistance to the ExA, the Applicant's view on Dr Boswell's position is set out below. Application of the NPS NN NPS NN 5.17 states: 'Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive. It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for roadprojects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets.' NPS NN 5.18 states: 'The Government has an overarching national carbon reduction strategy (as set out in the Carbon Plan 2011) **which is a credible plan for meeting carbon budgets.** It includes a range of non-planning policies which will, subject to the occurrence of the very unlikely event described above, ensure that any carbon increases from road development do not compromise its overall carbon reduction commitments. The Government is legally required to meet this plan. Therefore, any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant	Following the Prime Minister's recent U-turn, it is now apparent that the Government's transport decarbonisation trajectory is no longer applicable to estimating the operational carbon consequences of the scheme, since it results in increased proportion of ICE vehicles relative to that previously assumed. We submit that this specific issue needs separate consideration within this inquiry and a revision of the Climate modelling documents and the cost-benefit assessment of the carbon emissions. The NPSNN is simply wrong in this. From the latest CCC report: *Policy progress in the surface transport sector over the past year has been slower than expected, with **credible policies in place to meet only 38% of the required emissions reduction** by the Sixth Carbon Budget period and delays to key policies increasing delivery risks* The government's recent and extraordinarily cavalier response

		that it would have a material impact on the ability of Government to meet its carbon reduction targets.' The NPS NN does not introduce a test for considering the 'security' of meeting the relevant targets. There is no requirement to assess whether budgets are "secure" before being able to assess the significance of a Scheme against those budgets. **The NPS NN states that any road project will in isolation be very unlikely to affect the ability of the Government to meet the relevant targets. The reason for this is because the Government has a "credible plan for meeting carbon budgets" and the Government is "legally required to meet this plan"**. It is only those road projects that have significant carbon emissions that would have a material impact on the ability of Government to meet its carbon reduction targets which would contribute to being a relevant consideration to weigh in the planning balance. As such, the NPS NN explicitly anticipates the argument that has been made by Dr Boswell; by explicitly confirming that the Government is legally required to meet its obligations within the national carbon reduction strategy. The reliance to be placed on the NPS NN The wording of the NPS NN continues to be applicable after the adoption of the net zero target. A review of the NPS NN has been carried out and a new draft NPS NN is currently in consultation. This was in part due to (as acknowledged by the Department of Transport) change in climate policy: the Panel is invited to review R (on the application of Transport Action Network Ltd) v Secretary of State for Transport [2022] EWHC 503 (Admin) in which Chamberlain J on 9 March2022 summarised the need of the review for the NPS NN which had been identified as needing a review since the adoption of the net zero target. At paragraph 22, Chamberlain J states that the NPS NN: 'was written in 2014 – before the government's legal commitment to net zero, the Ten Point Plan for a Green Industrial Revolution, the new Sixth Carbon Budget and most directly the new, more ambitious policies outlined in this document. While the NPS continues to remain in force, it is right that we review it in the light of these developments, and update forecasts on which it is based to reflect more recent, post-pandemic conditions, once they are known.' Chamberlain J stated that as part of the review the Secretary of State had not revised or suspended any part of the NPS NN. The reason for this was set out in part in the written ministerial statement laid before Parliament on the 22 July 2021 stating: 'While the review is undertaken, the NPS remains relevant government policy and has effect for the purposes of the Planning Act 2008… The NPS will, therefore, continue to provide a proper basis on which the Planning Inspectorate can examine, and the Secretary of State for Transport can make decisions on, applications for development consent.' Chamberlain J rejected in the judicial review the claim that the Secretary of State was wrong not to suspend the NPS NN in light of changes to carbon policy. He noted that reference to the carbon budgets and targets that were in place at the time the NPS NN was designated cannot be read as directing inspectors to assess carbon impacts against out of date budgets as inspectors cannot be required to ignore a change in the law. The Applicant submits that 5.17 needs to be read with recent carbon targets and policy which will include the Carbon Budget Delivery	to the CCC report simply ignores everything to do with the credibility of the plan for surface transport. It only mentions credible plans twice both in relation to the business sector. Since it is now fully understood that the Government does not have a credible plan for the required reduction of surface transport emissions and the NPSNN gives a credible plan as the reason for its curious 'straws and camels' argument , this NPSNN argument simply has no sane basis as any kind of guidance. This argument appears to be that a document written before the Net Zero law has to be slavishly adhered to, even if it is so out of date that it manifestly contradicts the government's own committee evidence, to the extent that it makes the commitment of the Net Zero law unachievable. It has to be irrational for a Secretary of State, cognisant of the Net Zero commitment in law, to conclude that schemes generating new emissions don't matter when the government cannot demonstrate that it has any credible plan to reduce overall sector emissions. That the High Court in the Boswell case seemed to find that it is rational in law for a Secretary of State to make an irrational decision, does not alter the insanity of the Applicant relying on that irrationality to make its case. In any case the Applicant can no longer assume that the Justice Thornton judgment will survive.

		Plan. The NPS NN remains the basis for decision making in the NSIP process as a designated NPS under s.104 of the Planning Act 2008. The immediate question is what weight should be given to the draft NPS NN published 14 March 2023. The Applicant considers that the extant NPS NN remains the relevant document for decision making, that the draft NPS NN will constitute a relevant planning consideration but cannot be taken to be the relevant policy against which the Scheme should be judged (even when designated). The proposed implementation provisions with the draft NPS NN make clear that it would not apply to Schemes already in examination and therefore any requirements set out in that draft should not be applied to the Scheme, this is set out in paragraphs 1.16-1.17 of the draft NPS NN. Relevance of 'security' of carbon budgets In R (on the application of Transport Action Network Limited) v Secretary of State [2021] EWHC 2095 (Admin), a claim was submitted which related to the Secretary of State's decision to designate RIS2. This claim argued the Secretary of State was obliged to take into account a quantified assessment of the emissions from the programme in RIS2 and to consider their impact on the ability of the UK to meet the net zero target in 2050 and the carbon budgets running to 2032. In arguing this, the claimants made reference to the likelihood that the UK will fail to meet carbon budgets four and five as being a material consideration for the Secretary of State to take into account. This claim was defended on the basis that Secretary of State had knowledge of the relevant policy. It was held that the Secretary of State would have known the difficulties faced by the UK in meeting carbon budgets four and five and was able to assess this as part of his decision. The same logic would apply to any decision taken by the Secretary of State on this Scheme's impact on the carbon budgets. Relevance of section 104 Planning Act 2008 Section 104(3) of the Planning Act 2008 states that the Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsection (4) to (8) apply. Of these, it has been suggested by Dr Boswell that "section 104 potentially engages, and consequentially the SoS must consider whether approval of the scheme would lead to the UK being in breach of its international obligations (s104(4)); be in breach of any statutory duty (s104(5)); or be unlawful (s104(6))." This is a similar argument to that used in R (on the application of Save Stonehenge World Heritage Site Limited) v Secretary of State for Transport [2021] EWHC 2161 (Admin), and it should be noted that case found that section 104(4) does not operate to incorporate international obligations in domestic law. Instead, it operates to permit the discretion of a Secretary of State, where should making a decision pursuant to a national policy statement result in a breach of an international obligation, the Secretary of State is no longer obligated to take a relevant policy statement in account. Therefore, the extent of the impact of breaching an international obligation under section 104 extends to permitting the exercise of discretion as to whether or not to continue to decide an application in accordance with paragraph 5.17 and 5.18 of the NPS NN. This would apply equally to section 104(5) and 104(6) as it does section 104(4).	

		The Applicant does not consider that the question over whether the carbon budgets are secured would impact section 104. As Dr Boswell's submission suggests, the question over whether the budgets are secured only results in a conclusion that the delivery of the 2030 NDC or 6th carbon budget may or may not be achieved. This uncertainty does not create a certainty that there is a breach in international obligations, statutory duty or other law, meaning that the circumstances of sections 104(4)-(6) are not met. Again, the context of the carbon emissions of the Scheme must be assessed in accordance with the overall UK carbon budgets. This is set out in R (on the application of Transport Action Network Limited) v Secretary of State [2021] EWHC 2095 (Admin), and in particular Goesa Ltd, R (On the Application Of) v Eastleigh Borough Council [2022] EWHC 1221 (Admin). The Applicant has provided a contextualisation of the Scheme's emissions against relevant UK carbon budgets in Table 14.7 of Chapter 14: Climate of the Environmental Statement [xxx] This demonstrates that the Scheme would amount to 0.002% of the carbon budget and therefore, it is clearly apparent that the Scheme would not (in accordance with paragraph 5.18) have a material impact on the ability of Government to meet its carbon reduction targets. (ii) and (iii) The Applicant has set out in detail that the obligation to carry out an assessment of the likely significant effects of the Scheme on greenhouse gas emissions is derived from the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In carrying out its assessment, the Applicant has had regard to the applicable law and policy tests, including under the Climate Change Act 2008, the Planning Act 2008 and the National Policy Statement for National Networks, as well as Design Manual for Roads and Bridges (DMRB) LA 114 (Highways England, 2021). The 2050 Net Zero target, and thereby the Carbon Budgets, are legal obligations to be met under the Climate Change Act 2008. The way in which the Government is and will plan to deliver the Carbon Budget will continue to be amended and adapted over the next few decades. It is not for the Applicant to hypothesise whether or not the Government will be able to meet its legal commitments to net zero and deliver on the nationally set carbon budgets. Given that a legally binding commitment has been made towards Net Zero and carbon budgets have been adopted within the UK's legal framework. In addition, the Climate Change Committee (CCC) has recently provided up-to-date recommendations to Government in its June 2023 report on what actions are required. The Applicant is entitled to proceed on the basis that the Government will respond to that and will continue to meet its legal obligations that it has set and will continue to set itself. The CCC's role is to report progress, advise, and make recommendations to the Government on meeting its carbon emissions targets, ultimately aiding the Government to take action should concerns on progress against the net Zero target arise. The Applicant notes that whilst the CCC (in its June 2023 report) cited that it had decreased confidence compared to a year ago that medium term targets would be met, it did not assert that net zero would not be achieved, nor that the consenting and delivery of road programmes should halt.	Nobody is asking the Applicant to hypothesise on this question. It is up to the Applicant to provide evidence that counters the clear evidence that this scheme works against achieving a Net Zero commitment and that the government has no credible plan to make up for its effects elsewhere.

Q6.2.18 NH	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.3 includes criticism of the NNNPS 5.17 assumption that it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets, given that the NNNPS pre-dates the NZS and the CBDP by seven years and nine years respectively. Please comment on the reliance that can and should be placed upon the NPSNN paragraph 5.17 in relation to the consideration of this application.*	Please see the Applicant's response to ExAQ 6.2.17 regarding the reliance to be placed on the NPS NN, paragraph 5.17, and the relationship of that paragraph to the NZS and the CBDP. The Applicant reiterates that the National Planning Policy Statement for National Networks (NPS NN) published in 2014 is the relevant national policy statement for the purposes of section 104 of the 2008 Planning Act and the application should58 accordingly be determined pursuant to it. Furthermore, paragraph 5.17 of the NPS NN is consistent with the Draft National Policy Statement for National Networks (2023) paragraph 5.35 which was published in March 2023 and states: '5.35 S.1(1) of the Climate Change Act 2008 reflects and puts into effect the UK's Nationally Determined Contributions as set out in the Paris Agreement and sets out that the carbon budgets are the mechanism by which the net zero target is to be achieved. Consequently, it can reasonably be concluded that an applicant who assesses the carbon impacts of its scheme against the carbon budget is to be taken also to have assessed the carbon impacts of the scheme against the net zero target in the Climate Change Act 2008 and the UK's Nationally Determined Contributions, where the carbon budget is consistent with the Climate Change Act 2008 carbon target and the Nationally Determined Contributions.' In addition, the Draft National Policy Statement for National Networks (2023) paragraph 5.37 states that "approval of schemes with residual carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution". As stated above, the draft NPS NN is not the relevant policy against which the Scheme should be assessed but will constitute a relevant planning consideration the weight of which is for the decision-maker to determine. The assessment carried out by the Applicant in its environmental statement is based on the 2021 Design Manual for Roads and Bridges LA 114 Climate (Highways England, 2021), which states in paragraphs 3.20 and 3.21 that 'the assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets.' The Applicant provided a review against the principles of IEMA guidance (IEMA, 2022), which, while does not form part of the environmental impact assessment, supports the conclusion of effects being not significant. Please see the response to ExAQ2 Q6.2.7 that provides this information.	This doesn't seem to add anything to response above.
Q6.2.19 NH	*The Applicant's Written Summaries of Oral Case for Issue Specific Hearing 3 (ISH3) [REP4-036] in relation to the judgment of the High Court in the case of R (Boswell) v Secretary of State for Transport [2023] EWHC 1710 (Admin) states that the Applicant considers that it has met the legal tests required of it. Please can you*	The Applicant set out the approach taken to cumulative assessment in accordance with the Design Manual for Roads and Bridges in its response to ExAQ1 6.1.6 and ExAQ1 6.1.16 of Applicant responses to Written Questions (8.5, REP2-051) submitted at Deadline 2. This included committed development and forecast growth within the area of the traffic model (which covered a variety of development types). The EIA Regulations do not specify a methodology for assessment of cumulative effects, just that an Environmental Statement must report on the 'likely significant effects' of a development on the environment, including cumulative effects arising from other 'existing or approved' development. However, the submitted assessment goes beyond the requirement	This response is incomprehensible. It is clear that our international commitments embodied in the net zero law has defined a trajectory for reduction (carbon budgets) which has a defined area under it (= total cumulative emissions). The Climate Change Committee tasked with analysing whether this cumulative imperative is likely to be met on the basis of current government policy and economic trends, has concluded that it cannot see a credible path to this. Moreover it does not see any sector having a credible path to emissions

	explain further and summarise why you consider that the ES cumulative assessment complies with the EIA Regs and that it was appropriate and lawful to assess the carbon emissions of the scheme against the UK's national carbon budgets rather than in combination with all other schemes in the UK road programme or the local or regional area?	of the EIA Regulations in including forecast growth within the transport model study area, not just approved development. Impacts of greenhouse gases are global and are not limited by geographical boundaries. This was taken into account by treating the global climate as a single receptor within the greenhouse gas assessment. A boundary to the assessment is therefore also required, and this has to be established at an appropriate distance for the Scheme. The transport model study area was considered to be reasonable and corresponds to accepted practice in EIA. There would be no logic to including consented road schemes from the wider region as climate change impacts arise from all types of development, not just road infrastructure. If this were to be done, any consented development of any type in the whole region would need to be factored in. Taking such a broad approach would include such a vast number of schemes that it would render the assessment of this or any other project meaningless. Climate change is a global issue and is inherently cumulative. However, in the absence of a single accepted approach to cumulative greenhouse gas assessments, the approach taken by the Applicant is considered to be both reasonable and representative of standard practice in EIA. The Applicant has also responded with specific reference to the High Court in the case of R (Boswell) v Secretary of State for Transport [2023] EWHC 1710 (Admin) on page 23 of Applicant Comments on Deadline 3 Submissions (8.16, REP4-037).	reduction greater than its sectoral allocation, so there is no room for the worst sector to dump any of its allocation on other sectors. Since that sector can only credibly assert policies and practice to achieving 38% of its allocation, the cumulative emissions arising out of any new project only make this awful situation even worse. It is hard to understand how the Applicant can argue for any one such scheme in such circumstances, let alone pretend that all the schemes in its portfolio don't matter because each one of them is small. How can we keep going over such an obvious point?
Q6.2.20 NH	*Dr Boswell's written representations in his Post Hearing submissions [REP4-041], paragraph 142 concludes that any additional emissions from new infrastructure, such as the construction and operation emissions of the M3J9 scheme, would have a material impact on the ability of Government to meet its carbon reduction targets, and paragraph 145 states that "as the CBDP is not secured, and the UK carbon budgets and UK NDC are not secured, the Secretary of State must consider if his/her decision would lead to the UK being in breach of its international obligations, to him/her being in breach of a statutory duty, to him/her being in breach of the law under section 104 of the 2008 Act."* *(i) Please explain your position in relation to whether the Net Zero*	Applicant Response (i) Existing legislation commits to net zero by 2050 with legally binding carbon budgets set in accordance with legislation. The Applicant is entitled to assume that the Government will comply with its legal obligations. The Applicant notes the Climate Change Committee's (CCC) report to Parliament (June 2023), discussed in the response to ExAQ2 6.1.17 above. The Applicant maintains that the Application should continue to be considered and determined in accordance with existing Government policy i.e. the NPS NN. (ii) Please see the Applicant's response to ExAQ 6.2.17 regarding the relevance of section 104 Planning Act 2008. The Applicant's position is that subsections (4)-(6) **provide discretion for the decision maker to disapply elements of the NPS in the face of a breach of law or international obligation.** The instances raised by Dr Boswell may be characterised as potential breaches. However, whether they are in fact breaches is a matter for the Secretary of State to consider in the exercise of their decision-making function.	At least this is a recognition that an out-of-date policy document need not be followed slavishly if there are international treaty obligations or accords (Paris) or new laws that have relevance (Net Zero). So it is for the SoS to decide, but it is clear that this examination could conclude that recent laws and obligations mean that NPSNN guidance on certain matters is no longer applicable, and that could be the recommendation to the SoS.

	Strategy, the CBDP and the UK carbon budgets should be regarded as being secured and the relevance of that question to this particular application. *(ii) Please summarise and explain your position in relation to whether one or more of s.104 subsections (4), (5) or (6) would apply should consent be granted for the scheme.*		
Q6.2.21 Dr Boswell	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4 includes criticism of the WCC's significance statement. Please clarify and explain further your position set out in paragraph 54 that: "No amount of mitigation or offsetting is going to bring this assessment down to the level of "minor adverse"."*		Obviously for Dr Boswell to respond, but the idea that 4MT of emissions can be credibly offset is bizarre, and certainly the Applicant has not suggested any way of doing this. The City Council talks about speed reductions, which is a valid way of reducing emissions, but such measures could only add up to anything significant over an area much larger than the footprint of this scheme. And presumably the time savings which are the economic justification for this scheme, would then vanish.
Q6.2.22 NH	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4, paragraph 55, states that the applicant appears to have provided no mitigation proposals for operation emissions. Please confirm whether that is the case and explain why no such proposals have been made and/or why it is not considered necessary to do so.*	Section 14.9 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) sets out the embedded and essential mitigation measures for both the construction and operation stage. Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, sets out that an Environmental Statement must include a description of measures required to reduce significant adverse effects on the environment. **As no likely significant effects are anticipated in relation to greenhouse gas emissions for the operational phase of the project, no mitigation is required.** It is not considered to be in the control of the Applicant to commit to operational phase mitigation measures beyond what has already been set out in Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) for end-user emissions. This is explained in the Applicants response to ExAQ2 6.2.14.	The Applicant persists in the absurd assertion that 4MT doesn't matter as an addition to a budget of 1000MT, of which 620MT have no credible plans for elimination.
Q8.2.1 SDNPA	*The Applicant's response to ExQ 8.1.4 [REP2-051] stated that in relation to The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.5.43, which concludes that the combined effect on the South Down National Park, it is not anticipated to be significant and the applicant gave further information that supported this assessment. Please*	The SDNPA does not agree with this assessment as it is based on the Applicant's conclusion that there are no long-term significant landscape effects. The SDNPA disagrees with this conclusion and does not consider that the loss of land within the SDNP to the scheme, the permanent changes to topography, the introduction of uncharacteristic features such as the attenuation basins and visibility of a number of these changes from St Swithun's Way can be properly described as 'very minor loss or detrimental alteration to one or more characteristics, features or elements'.	What is not taken into account is the traffic generation of this scheme and its likely consequence for increased congestion within the National Park (e.g. the Twyford Down cutting). The Applicant seems to maintain the false position that this scheme is not generating traffic. The Applicant has not provided any evidence to show that the increase in traffic brought about by this scheme, will not congest the Twyford Down cutting to the point at which it is

	indicate if you agreed with this reply and if not, why not.		deemed sufficiently congested for the Applicant to come back with a further scheme to increase its capacity. Legal challenges at the time of the Twyford Down campaign revealed that the DfT had detailed work-ups for a dual-4 scheme. This plan had been kept secret, but was being used to convince wavering ministers that they should not contemplate tunnelling the Down because it would limit further capacity expansion.
Q14.2.5 NH	*The ExQ 14.1.12 sought further details of the anticipated wider economic benefits of £41.8 million and how this is expected to stimulate local development sites and economic activity. The Applicant's response [REP2-051] explains that the Level 2 wider economic impacts were quantified based on the relevant Department for Transport, Transport Analysis Guidance (TAG) methods and application of the Department for Transport Wider Impacts in Transport Appraisal (WITA) software (version 2.2) released by of the Department for Transport. The anticipated wider economic benefits were discussed at ISH3. (i) Please respond to the criticism made by IPs of the use and reliability of the TAG methods. (ii) For the avoidance of doubt, please confirm that the potential stimulus of local development sites and improved land values at the Winnall Industrial Estate with consequential densification of development and economic activity is not a factor that has been quantified or otherwise included as an aspect of the local economic benefits of the scheme*	(i) Please refer to Section 3.1 (Winchester Friends of the Earth) within the Applicant Comments on Deadline 3 Submissions (8.16, REP4-037). The Applicant considers the application of the Transport Analysis Guidance (TAG) is appropriate, proportionate, and in accordance with National Policy Statement for National Networks (NPS NN) requirements. (ii) The Applicant confirms that the potential stimulus of local development sites and improved land values at the Winnall Industrial Estate has not been quantified in the economic appraisal.	The reference to the rebuttal of my D3 submission is interesting since it said absolutely nothing other than reiterate that all its processes went by the book. Everything was effectively: "We've fed in data you won't see to a black box we won't tell you the workings of and we got output we summarise for you, but won't show you the details of" The aside on Winnall trading estate carries the implication that there are economic benefits beyond those in the COBA analysis. The only benefits that one might construe, that are not already counted in the user benefits, are those mysterious attributions of agglomeration. So if they exist at Winnall they are presumably already accounted for in the wider economic benefit already confected in the economic case. I stand by my submission on wider economic benefits (AS-010), for which the Applicant has not provided any new counter-argumentative case. The Applicant presented no economic narrative to justify its assertions, it offered no response to the criticism of potential displacement of economic benefit or of how any agglomeration that might occur could result in displacement against the levelling up agenda.
Q14.2.6	*As the main employment area for Winchester, can WCC explain how*	This question has been discussed with the Council's Economic Development and Tourism service who have discussed issues with local businesses. The proposed	If WCC has carried out such analysis it has not been in the

WCC	*the proposed application will benefit the Winnall Industrial Estate and what currently limits economic growth.*	enhancements will improve the economic vitality an competitiveness of the Winnall Industrial Estate which is very close to the site. Businesses are currently put off by the congestion or the potential of congestion making the area less appealing to new businesses relocating to the area. There have already been planning applications approved for non-business class uses in this main employment area including residential halls of residence. Winnall based businesses are experiencing increased journey times for staff visiting clients and deliveries as well as making it harder to attract and retain staff due to the traffic issues and unpredictable journey times. At the moment there are limited active travel (walking or cycling) options. The workforce wishing to use active travel to get to work will benefit from the paths connecting Kings Worthy and Winnall and Long Walk and Easton Lane. The improvements should reduce journey times for businesses and regular traffic congestion. A business owner commented: "I can confirm that historically any slight incident has always had the tendency to back up the whole of the Winnall Estate and routes into the current roundabout which was a real problem for us when we were located on Moorside Road and in all honesty is still a challenge from our new location in Kings Worthy as the majority of our staff and visitors have to use the Winnall roundabout still. The nature of our business means that many staff often have to travel to visit sites / clients so this has caused us challenges over the years, we are optimistic that an improvement to this junction will help to alleviate these pressures by improving movements on the road network." The local business community have lobbied for years for improvements to enable free-flowing links between the M3 and the A34 both northbound and southbound and further comments have been provided below: "The proposed scheme at M3 Junction 9 will reduce congestion and improve journey times which will have a positive impact on Winchester City Centre. At busy times Junction 9 struggles and the new proposals will increase capacity at this key transport interchange and remove the need for vehicles to use Winchester as an alternative route." "Having worked in Winchester for thirty-five years I am all too aware of the traffic chaos that occurs in the city during Bank Holidays or at peak periods when the M3 Junction 9 cannot cope with the volume of traffic. Not only does this have a detrimental effect on the businesses in Winchester but has a seriously negative affect on air quality. A free-flowing junction 9 would negate the need for motorists to use Winchester as a short cut." Excellent transport links are also crucial to the ongoing vitality of the visitor economy of the Winchester District. The improvements will reduce journey times from many destinations with visitors' choice of	public domain and should have been consulted on. The issue with all hand-waving assertions on local economic benefit always comes into questioning the effects of peripherality. Will this road take economic activity away or bring it to Winchester and what is the net benefit or cost to the nation (or levelling up policy) of such geographical relocation? What we see here from WCC (cognitively dissonant from everything else they are saying at this inquiry) is very disappointing in its complete reliance on anecdote as distinct from evidence. Traders and businesses always say these things – look at the way retail businesses always resist initiatives to reduce the effect of traffic, yet all the evidence shows that town centres that are most car-dependent fare worst on economic activity measures. What is worse here is that the anecdotes are completely anonymised – *'a business owner commented";* quotes from *"the local business community".* If these people had an evidential case to make that they suffer severe financial consequences from not having a motorway capacity increase, why are they not here to make the case? Is this really a quotation from the business community? It has all the hallmarks of a ChatGPT regurgitation of National Highways documents.

		destination strongly influenced by drive time from their homes.	
Q14.2.7 NH	*The ExQ 14.1.10 refers to the Case for the Scheme [APP-154] Table 3.2 in relation to the NPSNN strategic objective to provide 'Networks which support the delivery of environmental goals and the move to a low carbon economy'. The Errata sheet to the Applicant response to written question 14.1.10 was provided at Deadline 4 [REP4-032]. This confirms that Design Manual for Roads and Bridges (DMRB) and the Institute of Environmental Management & Assessment (IEMA) guidance are both widely used to assess climate change in EIA. However, it is stated that for a road scheme, the UK-wide industry standard methodology to use for assessments are those set out within the DMRB.* *(i) Please indicate whether there are any reasons other than the achievement of consistency in road schemes, that the DMRB LA 114 standard has been used in this case.* *(ii) Please comment on any differences in outcomes that would result from the alternative use of the Institute of Environmental Management & Assessment (IEMA) guidance in the light of the submissions of Dr Boswell on this topic.* *(iii) The response makes reference to the case of Goesa Ltd, R (On the Application Of) v Eastleigh Borough Council [2022] EWHC 1221 (Admin) (23 May 2022) in support of the principle that the use of national carbon budgets as a benchmark for the assessment*	(i) The Design Manual for Roads and Bridges (DMRB) contains information about current design standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom. For road schemes in the UK this is the recognised industry standard methodology. (ii) Please see the response to ExQ2 6.2.7. (iii) In the case of R (on the application of Goesa Ltd) v Eastleigh Borough Council [2022] EWHC 1221 (Admin), Eastleigh Borough Council (EBC) followed the 'Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance' published by the Institute of Environmental Management and Assessment ('IEMA'). It was referenced in the judgment that IEMA (at 6.1) acknowledged that 'all projects create Green House Gas (GHG) emissions that contribute to climate change' and that in the absence of any "significant criteria or a defined threshold…all GHG might be considered to be significant'. The judgment confirmed, however, that there has been no guidance for assessing the acceptability of a contribution whether expressed as a percentage or target of national budgets or otherwise, the judgement of the acceptability of carbon emissions was a matter for the decision maker. Furthermore, this case held there is nothing unlawful about a decision maker using the benchmarks that they consider appropriate, citing UK national carbon budgets as an example. The case went on to conclude that comparing GHG emissions to a national target, and to consider the likelihood of that proposal harming the achievement of that target, however generalised and broad, is permissible under current law and policy stating that: 'there is simply no legal merit in the complaint that expressing project emissions as a percentage of a national budget or target does not enable a decision-maker to decide whether those emissions are compatible with achieving that benchmark or whether the emissions are affordable' (paragraph 116) The Applicant confirms that recent court cases found nothing unlawful in a decision-maker using benchmarks he considers to be appropriate. For the Scheme, the national carbon budgets are considered to be appropriate benchmarks, as identified in existing Government policy i.e. NPS NN.	This is a repeat of the current legal position (which is under challenge). Effectively that the decision maker (the SoS) has a legal right to act irrationally. None of this prevents the ExA from coming to the conclusion that this scheme on its own and more importantly within the context of the carbon consequences of the whole RIS programme, makes an already incredible (or rather non-existent) plan to meet the Net Zero law, even more difficult and incredible. So ExA can advise the decision maker to that effect. And the decision maker can still ignore it in law (as the SoS did with Stonehenge), however irresponsible and irrational such a decision would be.

	of carbon emissions represents a lawful approach. In that case, the ExA notes that the Council utilised the IEMA guidance, and the subject matter was an airport runway extension. The court also found it to be noteworthy that the claimant did not suggest what alternative criterion would be compliant with the EIA Regulations to help the court assess its criticisms of the legality of the Council's approach. Please comment on the relevance of the findings of the court in that case given these differences in context and subject-matter. *(iv) Please confirm that the Applicant's position in the light of the court cases referred to can be summarised as being that, as matter of principle, there is nothing unlawful in a decision-maker using benchmarks he considers to be appropriate, including national targets, in order to help arrive at a judgment on those issues unless such a decision could be regarded as being unreasonable in the Wednesbury sense.*		
Q14.2.8 NH SDNPA	*The SoCG between the Applicant and WCC [REP4-030] at 2.1 indicates that the WCC agrees that the five strategic objectives of the scheme including reducing delays at the Winchester junction, as well as the M3, A33 and A44, supporting economic growth and improving walking, cycle, and horse routes align with the City of Winchester Movement Strategy (2019) key priorities. The ExA notes the WCC's outstanding concerns and potential conflicts*	**SDNPA:** The SDNPA notes the responses to the five questions and is grateful, in particular, for clarification of the NPV of the scheme at £39.5m (different of course to the £152m benefit figure which includes the costs of the scheme). The low financial benefit the scheme reports to offer needs to be considered against the significant harm identified to the National Park.	We stress again here that, if the Movement Strategy has made arguments relating to how this scheme and its objectives align to its strategy, those arguments have not been made public and the public has not been consulted on them.

	with Local Plan policies in relation to climate change issues. Please clarify the position of WCC in relation to the acceptability of the principle of the scheme and whether it would be consistent with the overall aims of the Local Plan		
Q14.2.11 NH SDNPA WCC	*The NPSNN paragraph 5.152 states that: "There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly". Whilst Applicant position is that the overall aim is to improve the existing M3 junction 9, it is acknowledged that this would involve the provision of areas of widening and new carriageway. (i) Having regard to the extent of the road widening proposed, the degree of incursion into the SDNP that would occur, and the recognition and protection given to National Parks by the NPSNN, please provide a summary of your position as to whether or not the scheme should be regarded as 'significant road widening' in the SDNP rather than an existing road junction improvement project. (ii) In the event that the scheme is considered by the SoS to fall within the category of 'significant road widening', please clarify and explain your position as to*	**NH:** The Applicant's position remains that the Scheme does not constitute 'significant road widening' or 'the building of new roads' in the National Park. This specific wording is contained within both Paragraphs 5.148 and 5.152 of the National Policy Statement for National Networks (NPS NN). (i) Paragraph 2.23 of the National Policy Statement for National Networks (NPS NN) states: 'The Government's wider policy is to bring forward improvements and enhancements to the existing Strategic Road Network to address the needs set out earlier. Enhancements to the existing national road network will include: ▪ junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions, which are a major source of congestion;' Paragraph 2.27 states: 'In some cases, to meet the need set out in section 2.1 to 2.11, it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity.' The road elements of the Scheme within the South Downs National Park include the new southbound links between the A34, the M3 and the Junction 9 gyratory, the A33 roundabout, and the M3 northbound on-slip and southbound off-slip. The widening of the M3 carriageway to four lanes at the junction is local to the Junction and required in order to facilitate the free flow links to/from the A34/M3. This localised widening occurs outside the South Downs National Park. The A34 links (Work No. 3 & 39) are captured within Paragraph 2.27 of the NPS NN as corresponding links. The M3 northbound on-slip (Work No. 8) and southbound off-slip (Work No. 11) are captured within Paragraph 2.23 of the NPS NN as new slip roads. The A33 junction and the realignment of the southbound carriageway (Work No. 1 & 7) is captured in Paragraph 2.27 of the NPS NN as including new alignments which cross a river, in this case the River Itchen where the alignment is modified, and new carriageway proposed to the A33 roundabout as the road alignment changes. It is the Applicant's position that 'significant road widening' refers to the consistent widening of roads or the 'dualling' of an existing road for a considerably longer distance than the works proposed as part of the Scheme. As outlined in the preceding paragraph the works within the National Park are defined as new links,	So widening the M3 within the application boundary and within the National Park is not widening a road?

	whether there are compelling reasons for the new or enhanced capacity and whether any benefits would outweigh the costs very significantly	new alignments, new slip roads, and a new roundabout. For these reasons that they do not constitute 'significant road widening'. (ii) Section 7.4 of the Case for the Scheme (7.1, Rev 1) considers Paragraph 5.152 of the National Policy Statement for National Networks (NPS NN) and outlines how the benefits of the Scheme outweigh the costs very significantly. The compelling reasons for the enhanced capacity are included within Section 3 titled 'Need for the Scheme'. As outlined in Section 3.2 of the Transport Assessment Report there are existing issues with the flow of traffic between the M3 and A34, resulting in queues and delays at M3 Junction 9. Queues on the northbound diverge (off-slip) of the M3 regularly back onto the mainline carriageway, resulting in delays and safety concerns for both M3 northbound through traffic and traffic seeking to leave the motorway. Such issues are particularly prevalent during peak periods. There are further potential safety concerns on the A34 southbound due to significant queuing which also results in rat running traffic through the residential suburbs of Winchester. In addition, pedestrians or cyclists accessing the route north to King's Worthy have to cross the gyratory with no signalling for pedestrians or cyclists. Paragraph 7.4.2 – 7.4.3 of the Case for the Scheme (7.1, Rev 1) details the costs of not developing the Scheme. considering the Do-Minimum ('without Scheme') in 2047 which shows there is an increase in journey times predicted between 2017 and 2047 on key routes. This includes model predicted delays above free-flow journey time at Junction 9 including: - Delays to Easton Lane approach (from Winchester city centre) of 165 seconds in the AM peak and 90 seconds in the PM peak. - The A34 approach to Junction 9 there was a predicted delay of 30 to 40 seconds in the AM and PM peaks with a predicted queue length of circa 870m in the PM peak - Relative delays on the A34 southbound approaching Junction 9 of the M3 and the M3 Junction 9 northbound offslip. For some sections of these, the predicted delay is almost 100% of total travel time It also showed journey time increasing between the 2017 base and the 2047 Do-Minimum as follows: - Easton Lane to the A33 had a predicted journey time increase of over 3 minutes (120% of total travel time) in the AM Peak and almost 1 minute (circa 33% of travel total time) in the PM peak - Easton Lane to the A31 had a predicted increase in journey time of over 2 minutes (50% of total travel time) in the AM Peak - The M3 south to the A34 had a predicted journey time increase of circa 2 minutes (20% of total travel time) in the PM Peak As traffic is predicted to increase over time on the network and through M3	As the SDNPA points out this scheme has very poor economic benefit (only made apparently less so by the confected wider economic benefits). Apart from the very minor benefits of walking and cycling routes, all the other benefits are the usual ones NH claims for any scheme and which are primarily justified economically (user benefits). If they do not add up to 'very significant' benefit then it is hard to see how they outweigh the significant harm to the National Park.

		Junction 9 these issues are likely to become worse in the future including the number of collisions and safety issues, as well as potential further rat running traffic through Winchester. In addition, without the Scheme there would still be existing issues with the gyratory for walkers and cyclists and there would be no improvements to the NCN 23 cycle route. The new bridleway to the eastern side of the Scheme and the new River Itchen Footbridge would also not be delivered. SDNPA: Ultimately it is a matter of judgement as to whether the scheme is as 'significant road widening scheme' and whether it meets the tests required. It is the SDNPA's view that this proposal is a significant road widening scheme which includes the introduction of new roads into parts of the National Park where currently there are none. For reasons set out above (and in previous submissions), it is the SDNPA's current position that mitigation measures are not good enough and therefore do meet the requirements of the tests. WCC: (i) Whilst it is acknowledged that part of the scheme does involve the requirement to widen the road, it is considered that this forms part of a wider junction improvement scheme. (ii) Should the development fall within the category of 'significant road widening', as this relates to a National Park consideration WCC wish to defer to colleagues of the National Park Authority and have no further comments on this point.	
Q14.2.12 NH	*In the NPSNN paragraph 5.147 states that for any undertaking that affects land in a National Park, the undertaker '…would need to comply with the respective duties in section 11A of the National Parks and Access to Countryside Act 1949'. The NPSNN Accordance Table [REP2-040] does not confirm this is required. Please confirm that this requirement is accepted and if so update the accordance table accordingly.*	Paragraph 2.23 of the National Policy Statement for National Networks (NPS NN) states: 'The Government's wider policy is to bring forward improvements and enhancements to the existing Strategic Road Network to address the needs set out earlier. Enhancements to the existing national road network will include: ▪ 'junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions, which are a major source of congestion;...' Paragraph 2.27 states: In some cases, to meet the need set out in section 2.1 to 2.11, it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity.' Paragraph 2.23 refers specifically to new slip roads within the context of junction improvements. Paragraph 2.27 refers to new road alignments and corresponding links. The Scheme would reflect the infrastructure referred to in Paragraphs 2.27 and 2.23. Paragraph 5.148 refers to the 'building of new roads', with the implication of the	I don't see that any of this addresses the actual question relating to the requirement to comply with the 1949 act.

		meaning to be entirely new roads that create a new route from one place to another, falling under Section 22(1)(a) of the Planning Act 2008 for the 'construction' of a highway rather than an 'alteration' or 'improvement' falling under Section 22(1)(b) and (c) respectively. In this case the A33, A34, and M3 are all existing roads, and whilst there would be new alignments and new carriageways in the form of new links, new alignments, new slip roads, and a new roundabout, these would not constitute the 'building of new roads' where there was not previously a route. With respect to Paragraph 5.148 and reference to 'significant road widening' and the NPS NN Accordance Table. Junctions and gyratories are understood to be distinct from the definition of new roads, and whilst the gyratory would change shape, the diameter of the new gyratory as measured on the axis north-south would be smaller than the existing by circa 55m. At present the distance between the gyratory bridges measured north-south is circa 150m, and as proposed it would be circa 95m. On the axis east-west the gyratory would be unchanged in width although it's geometry would change with the angle of the curve altered. There would be some local widening of circa 1m to the A272 spitfire link but this would be within the existing extent of the highway. The combined changes to the gyratory and A272 spitfire link would not constitute 'significant road widening'. The limited widening of the M3 carriageway is within the highway extents and as outlined above the A33 roundabout and new slip roads are considered not to meet the definition of 'new roads' or 'significant road widening'.	
Q14.2.15 NH	*English National Parks and the Broads UK Government Vision and Circular 2010 paragraph 85 states that '…Any investment in trunk roads should be directed to developing routes for long distance traffic which avoid the Parks'. Please explain if this was considered during the options appraisal process as a factor for assessment.*	As outlined in response to Q12.1.5 in Applicant responses to Written Questions (8.5, REP2-051) it is the Applicant's position that the policy requirement to comply with the English National Parks and the Broads UK Government Vision and Circular 2010 ('the Circular'), as triggered by paragraph 5.148 of the National Policy Statement for National Networks (NPS NN), does not apply. Nevertheless, a response is provided to the question below. Paragraph 85 of the Circular sits under the sub-heading of 'Promote sustainable transport, including navigation' and this heading relates to paragraphs 83 – 93. Paragraph 83 relates to local transport plans and how they relate to Park Management Plans. Paragraph 84 relates in the main to consultation and advises that Schemes above 5 million GBP require Central Government approval. The first sentence to Paragraph 85 states 'Improvements of main routes through the Parks are governed largely by considerations outside those relating to the Park area itself.' The performance of M3 Junction 9 has implications on long distance journeys from both the Solent to the Midlands and also from the Solent to the M25 London (and vice versa). Addressing congestion and reducing delays at M3 Junction 9 is a key	

		objective of the Scheme and in recognition of the strategic significance of these routes. Paragraph 86 of the Circular states 'In exceptional cases where new road capacity were deemed necessary, a thorough assessment would be needed on the loss in environmental value resulting from any new infrastructure'. As stated in the Applicant's Comments on Deadline 3 Submissions (8.16, REP4-037) in response to comments from South Downs National Park Authority. In this case the existing M3 and Junction 9 is located both within and in the setting of the National Park. In order to provide the necessary improvements at Junction 9 it is unavoidable that there will be impacts on the National Park. The need to carry out the development in this specific location is what enables the scheme to meet the exceptional circumstances required (in reference to paragraph 5.151 of the NPS NN). The options appraisal focused on assessing reasonable alternatives (consistent with the relevant case law and policies – see Appendix A (Further information regarding alternatives) of Applicant summary of oral submission for Issue Specific Hearing 3 (ISH3) (8.15, REP4-036)). The extent to which there are alternative routes, including new roads, that would avoid the South Downs National Park (or its setting) in its entirety, that are appropriate for investment, and that would address the issues identified with traffic travelling from Southampton to the Midlands and London M25 via the M3 an A34 (and vice versa), was not considered as a reasonable alternative to the Scheme, and was therefore not a factor in the options appraisal.	We are back at the Applicant's dismissal of non-road alternatives, which was based entirely on assertions of an options appraisal carried out at some previous higher level and for which the Applicant is unable to provide any documentary evidence. The NPSNN paragraph says that alternative ways of addressing the perceived problem whould be sought, either as different alignments outside the National Park 'or in some other way'. Since the Applicant dismisses alternative alignments or routes , it has to find some other way. Modal shift alternatives have to be considered.
Q14.2.16 NH	*The DEFRA Guidance Note 'Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads' states that: "National Park purposes are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of their special qualities by the public." There is a statutory duty for relevant authorities to have regard to their purposes: "in exercising or performing any functions in relation to, or so as to affect land" in these areas. Please explain how SoS can be satisfied that the grant of consent for the*	Measures to conserve and enhance the natural beauty, wildlife, and cultural heritage in response to the unique special qualities of the South Downs National Park have been incorporated into the Scheme, in tandem with measures to promote opportunities for understanding and enjoyment of the National Park. The Scheme has had due regard to the purposes of the National Park for the reasons outlined below, and on this basis the Secretary of State can be satisfied that the granting of consent is consistent with their statutory duties. An Environmental Impact Assessment (EIA) has been carried out for the Scheme which is reported in the Environmental Statement (6.1-6.3, APP-042 – APP-153). This identifies the likely effects of the Scheme on the environment and sets out mitigation and enhancement measures proposed within the Scheme to moderate any detrimental effect. The assessment identifies that the majority of significant adverse effects occur on a short-term basis during construction only, with the exception of geology and soils which cannot be mitigated as the Scheme requires permanent land-take; and landscape and visual effects, which will occur in the short to medium term. By Year 15 of the Scheme's operation, the significant adverse noise and vibration and landscape and visual effects would be removed entirely. Natural Beauty With the respect to natural beauty and landscape specific actions taken to actively avoid or moderate any detrimental effects and conserve the National Park include: removing the need for soil deposition areas; minimising the compound footprint;	This is almost entirely about minimising the adverse effects, not about enhancing the environment. The odd bit of planting and new chalk habitat and pedestrian cycling facilities do not seem of a scale to outweigh the adverse environmental and social effects, so that the net effect can hardly be construed as enhancement.

	scheme would be consistent with the duty imposed in relation to the purposes of the SDNP to "conserve and enhance" various matters.	earthwork design modifications specifically to avoid alien and engineered features within the South Downs National Park; and using earthworks to provide screening of the Scheme, whilst minimising disruption of wider views to Winchester and the South Downs National Park. addition, specific design considerations have been taken into account in the Development Consent Order application which through reduction in impact on the South Downs National Park support its statutory purpose of conserving. These include: minimising the physical footprint of the Scheme, including not taking additional agricultural land permanently; retaining as much vegetation as practicable; avoiding adversely affecting the River Itchen, including placing bridge piers outside the water course; minimising the elevation of the Scheme; reducing the vertical height of overpasses and link roads; and designing and placing lighting columns, overhead gantries and other roadside elements to reduce visual intrusion. The landscape strategy aims to reinforce and enhance (where appropriate) existing defined key characteristics of the South Downs National Park landscape and its setting with reference to the defined Landscape Character Areas (LCA) (LCA G5: Itchen Valley Sides and LCA A5: East Winchester Downs, and LCA F5: Itchen Floodplain). The creation of new scrub / woodland on the slopes of the proposed highway embankment / cutting slopes aids visual screening of the Scheme. Wildlife Wildlife enhancements include habitat creation and wildlife fencing, with the creation of priority chalk grassland habitat within the South Downs National Park. New areas of woodland and scrub towards the north of the Scheme, mostly located adjacent to exiting habitats, would enhance connectivity for bats and dormice and other wildlife. The Scheme would positively contribute to the special qualities of the South Downs National Park, by providing for a rich variety of wildlife and habitats including rare and internationally important species. Cultural Heritage The design respects the setting of historical assets whilst reinforcing relationships with heritage where achievable. This includes provision of views to Winchester from the newly created chalk grassland downland slopes within the South Downs National Park. The operation of the Scheme would not impact upon any archaeological remains which would have been sufficiently investigated (mitigated) during construction. There would not be any significant impacts upon the setting of any built heritage receptors or historic park and gardens during the operation, and as such the Scheme would conserve cultural heritage, and in some instances enhance through improved views to Winchester. Promote opportunities for the understanding and enjoyment of their special qualities by the public The walking, cycling and horse-riding facilities around and within the Scheme will be retained and upgraded. This includes the NCN Route 23, with a widened 4m underpass and 3m route either side of the M3 Junction 9 gyratory. A new minimum 3m wide (increasing to 4m) shared path (an unsegregated combined footpath, cycle track and footway) for the western side of	

		the Scheme is proposed to link the A33 / B3047 Junction to Tesco situated on Easton Lane. An additional 3m wide bridleway is proposed on the eastern side of the Scheme to link Easton Lane with Long Walk for walkers, cyclists and horse-riders. The provision of new routes increases opportunities for recreational experiences with access from Winchester to the South Downs National Park, whilst the design of these routes provides for an improved user experience.	
Q14.2.17 NH SDNPA	*The consistency of the scheme with Local Plan and other policies was discussed at ISH3. The Applicant's Written Summary of Oral Case for ISH3 [REP4-036] refers to Table 7.1 Design Response to the Special Qualities of the South Downs National Park in the Case for the Scheme [APP-154]. Please clarify whether all matters set out in that table are regarded as both conserving and enhancing the special qualities of the National Park and that they are agreed*	NH: The special qualities of the South Downs National Park are informed by a broad range of environmental, social, and historical aspects and draw directly from the unique characteristics of the physical landscape. The Scheme, once constructed, will conserve and enhance these special qualities in different ways; balancing a number of different priorities to ensure opportunities for enhancement are maximised where appropriate, and that mitigation is proposed where necessary, in order to conserve the special qualities. Table 7.1 (Design Response to the Special Qualities of the South Downs National Park) in the Case for the Scheme (7.1, Rev 1) is copied out in italics below with further comment with respect to the different elements of the Scheme that conserve and enhance each special quality. Criteria: Diverse, inspirational landscapes and breathtaking views Summary of Design Response: 'The design proposals minimise visibility of the highway (due to position at a low elevation), and proposals for topography and earthworks remodelling on the eastern side of the M3 the Scheme reinforce the existing characteristic of the open downland landscape. This together with woodland planting adjacent to the highway and within the Itchen valley promotes views away from the highway to the surrounding South Downs National Park, and Winchester townscape skyline.' The Scheme would conserve the landscape and views with the provision of new planting, which by year 15 minimises the adverse effects of the Scheme's operation with respect to landscape and visual effects. Furthermore, new and improved views of Winchester townscape would be visible from areas within the Scheme which would enhance this aspect of the special quality. Criteria: A rich variety of wildlife and habitats including rare and internationally important species – conserve and enhance Summary of Design Response: 'Minimising land take within the South Downs National Park, and minimising impacts upon the designated SAC and SSSI sites, through considered surface water drainage attenuation features. Maximising areas for the creation of chalk grassland on the open downlands, with a combination of species rich grassland with chalk grassland characteristics and woodland / scrubland within the Itchen Valley to reinforce the characteristics of this landscape and support ecological connectivity. The Scheme proposals achieve a positive biodiversity net gain which will support the variety of wildlife and habitats within the South Downs National Park.'	As above this stuff mostly about minimising adverse consequences, not about conserving and enhancing.

		Measures including achieving a biodiversity net gain and provision of appropriate chalk grassland would conserve the existing characteristics of the landscape. Wildlife enhancements include habitat creation and connectivity, with the creation of priority chalk grassland habitat within the South Downs National Park a landscape scale enhancement. New areas of woodland and scrub located to the north of the Scheme, mostly located adjacent to existing habitats, would enhance connectivity for bats and dormice and other wildlife. Overall the Scheme would positively contribute to this special quality by providing for a rich variety of wildlife and habitats including rare and internationally important species. SDNPA: Please responses to questions above and additional briefing note (attached at Appendix C). In summary, the SDNPA does not agree that the scheme conserves and enhances the special qualities.	Has the Applicant actually demonstrated improved connectivity for bats? An increased width of road together with the traffic it generates would seem to rather increase the barrier to flight paths.
Q14.2.20 NH	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] at Appendix A [REP4-040] includes the report from the Transport Select Committee on "Strategic Road Investment" (Published 27 July 2023).* *(i) In relation to what is stated at paragraph 15 of the submissions, please comment on the significance for this application of the Transport Select Committee report stating that accommodating demand for new roads in the context of increasing forecasts of traffic on the SRN is a risky strategy.* *(ii) Please comment on whether the M3 Junction 9 scheme is one of the projects that would generate the demand and that this is an issue which the SoS must consider in the decision making.*	(i) The Transport Select Committee Report paragraph 19 refers to a 'risk strategy' and is written in full below: 'Transport remains the biggest greenhouse gas contributor in the UK and the Government's strategy for decarbonising transport by 2050 is reliant on a rapid switch to zero emissions vehicles. However, in all future scenarios modelled by the Department for Transport, traffic on the Strategic Road Network is forecast to increase, and there is a great risk that uptake of cleaner vehicles will not be fast enough to mitigate that increase. The Government's determination to accommodate demand for new roads through investment without also considering steps to manage that demand is a risky strategy' Paragraph 11 of the Report states that that the Committee intend to look in more detail at how the outcomes of transport investment are prioritised and appraised in their forthcoming inquiry on the Government's strategic transport objectives. Whilst the recommendations in the report and subsequent inquiry may inform government policy and targets, at this stage this would be a matter for the Department of Transport to consider, on the basis that it relates to the merits of the national and strategic approach taken by Government. The degree to which the Government's strategy is deemed 'risky' or not relies on an interpretation of the potential success of Government policy, as well as the rate at which cleaner vehicles are taken up in the population, as asserted by Paragraph 19. At this stage, it is not clear what significance this statement has on the Government's policies and investment decisions relating to development of the Strategic Road Network. It is therefore of limited significance in the context of the Scheme. (ii) Please refer to Item 3(i) – third bullet within the Applicant written summaries of oral case for Issue Specific Hearing 2 (ISH2) (8.14, REP4-035) regarding induced demand. The Applicant noted that the scheme is to provide free flowing links and reduce bottlenecks rather than being a road widening scheme, that the benefit is largely just to the gyratory itself, and that there is a limited impact of induced demand. Examination of Appendix B (Impact of VDM) of the Combined Modelling and Appraisal Report (7.10, Rev 1) indicates the Scheme is predicted to	In view of the setting back of the EV take-up ambition the TSC's assessment of risky seems rather an underplaying of the extreme unlikelihood of meeting the decarbonisation pathway, as expressed by the recent CCC report (and unanswered in the Government's response to it) We make comment elsewhere (in a Deadline 5) submission and at the head of this document, that we do not believe the Applicant's contention that the scheme does not have significant traffic induction effects.

		generate very little demand.	
Q14.2.21 NH	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 3.2 includes criticism of the information provided to the Examination in relation to various matters including the calculation of the cost of the construction GHG emissions from the scheme and how this has been put into the BCR calculation, and differences between the calculation of the GHG emissions from operation of the scheme and the calculation of the economic benefits for the scheme. Please can you respond to the points raised by Dr Boswell in this section of his submissions.*	Paragraphs 5.5.37 to 5.5.43 of the Combined Modelling and Appraisal Report (7.10, Rev 1) describe the calculation of GHG emissions impacts in the economic appraisal. Greenhouse gas impacts over the 60-year appraisal period were monetised using the standard Department for Transport, Transport Analysis Guidance (TAG) Greenhouse Gases Workbook with interpolation of greenhouse gas values between model years. This included the embedded GHG emissions estimated to be produced with the construction of the Scheme plus the operational impact of the Scheme on vehicle GHG emissions as set out in Chapter 14 (Climate) of the Environmental Statement (6.1, Rev 2). Please refer to Item 2(i) – fourth bullet within the Applicant written summaries of oral case for Issue Specific Hearing 3 (ISH3) (8.15, REP4-036) regarding GHGs associated with the wider economic benefits. The wider economic benefits methods were based on fixed land-use and, therefore, the calculated wider economic benefits do not include additional jobs or transport trips and there is no requirement to monetise equivalent greenhouse gas emissions impacts.	The WEB argument is that agglomeration brings economic benefit that is not included in the user benefits. But agglomeration signifies bringing people closer together to have more efficient working. Bringing people together that weren't together before represents new or longer trips – they have a carbon consequence.
Q14.2.22 HCC	*The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 4 includes criticism of the HCC's position as stated at ISH3 that the scheme is consistent with the policies in the current local transport plan and the emerging local transport plan. Please respond to that criticism and confirm and explain your position in relation to the consistency of the scheme with HCC's local transport policies.*	The County Council, in its written summary of ISH 3 (REP4-045), sets out the following explanation of the consistency of the scheme with HCC local transport policies: The County Council confirmed that it considered the scheme to be consistent with both the current Local Transport Plan (LTP3) which was adopted in 2011, and the emerging Draft Local Transport Plan (LTP4). Chapter 1: The Transport Vision of Part A (Long-Term Strategy 2011-2031) of LTP3 acknowledges that the private car is expected to be the dominant form of transport over the 20-year period of the strategy element of the Plan, and therefore the priorities reflect this expectation. At the time that the Plan was written, traffic congestion was forecast to increase substantially, beyond the official peak capacity of busy road corridors such as the M3. The County Council therefore states that it would 'continue a lobbying and influencing role with the Highways Agency [now National Highways], to explore ways of managing congestion on the strategic road network.' Chapter 6: Transport Strategy for Central Hampshire and the New Forest of Part A of LTP 3 states that: 'The junction of the A34(T) and M3 at Winnall (Winchester), which acts as a gateway to the South Hampshire sub-region, presents particular difficulties. As well as capacity problems at this key intersection, there are also significant difficulties for local traffic wishing to join the strategic network at this point, particularly from nearby employment areas. Further increases in traffic may	Is the draft LTP4 before the Inquiry? It should be It is an incoherent document, really good on principles, but belied by the usual highways engineers' material. It is this discordant voice that seems to be responding to this Inquiry. This is what the more enlightened voices are saying: ***Principle 1: Significantly reduce dependency on the private car:*** *• seek integrated land-use and transport planning to reduce the need to travel by car and enable more sustainable travel choices; • enable people to access many of their daily needs within a 20 minute walk of their home (known as '20 minute neighbourhoods'); • make best use of technology that reduces the need to travel and helps us to manage our travel needs in smarter ways (e.g. use of online services and remote working, shared transport, digital apps for planning and paying for bundles of sustainable journeys known as Mobility as a Service, and low emission vehicles); • promote walking and cycling as the first choice for shorter journeys; • make public*

		necessitate changes to the layout of the junction to offer increased capacity to reduce congestion at this location'. Consequently, LTP3 identifies the need to explore options to address congestion at Junction 9 of the M3 as a potential option that could be considered for delivery in support of the highway network. The emerging Draft Local Transport Plan 4 (April 2022), has been subject to public consultation but has not yet been adopted as the County Council is awaiting guidance from the Department for Transport. The supporting text for Policy C2: Efficient and sustainable movement of goods of the Draft LTP4 states that 'Our transport network is vital for the movement of goods as well as people. Good and reliable road and rail transport links are critical for the Hampshire economy, in terms of enabling business supply chains to operate efficiently and getting goods to customers quickly and on time.' Consequently, the Policy C2 sets out that the County Council will: b) support measures that improve journey time reliability on strategic lorry and rail freight routes, including those which improve access to international ports and airports (see Section 7.8, Strategic Infrastructure, Policy SI1); and e) encourage freight to use the strategic road network (SRN) and major road network (MRN), where this is the most appropriate route. Policy SI1: Work with partners to deliver targeted improvements to Hampshire's strategic rail, road and digital infrastructure states that the County Council will: c) support targeted improvements to the wider strategic road network (SRN) and major road network (MRN) where there is a clear safety, economic, health or wider social case. The implementation of the policy will be supported by 'working closely with National Highways and Network Rail/Great British Railways to inform their delivery plans with robust evidence-led transport assessments to secure improvements to the strategic road network (SRN) and the rail network that runs through the county.' The strategic transport infrastructure priorities for Hampshire, as identified in the policy, currently include improvements to Junction 9 of M3 as an International Gateway	*transport more attractive, more affordable and accessible to more people, as the first choice for longer journeys; • support 'shared mobility' solutions (e.g. electric vehicle car sharing clubs, bike / e-bike share schemes, lift share schemes, taxi sharing models, demand responsive transport), and mobility hubs which act as a focal point for public and shared transport, alongside other services (e.g. health clinics, local work hubs, parcel lockers); • create micro and macro distribution centres (also known as logistic hubs) from which 'last-mile' deliveries can be made using zero-emission vehicles; • seek to better manage travel demands, particularly on the busiest parts of the network at peak times; • provide realistic alternatives to private car use to connect our rural communities (including flexible and demand responsive transport services and community-based shared mobility schemes).* ***Principle 2: Provide a transport system that promotes high quality, prosperous places and puts people first:*** *The traditional approach to transport planning has involved 'planning for vehicles' by creating additional highway capacity to cater for predicted traffic growth. This has often simply generated additional demand (increasing the number of vehicles on the road), eroding the expected reduction in congestion and creating other social and environmental problems. This draft LTP4 seeks to instead plan for the needs of 'people' and 'places' to support: - successful and vibrant places, which are not dominated by cars; and - physically active and rewarding lives, supported by a range of travel choices.*
Q16.2.5 NH	*Q16.1.14 of ExQ [PD-008] requested details of the risk allowances made in the scheme estimate in the absence of using optimism bias. This was not detailed in the Applicants response [REP2-051], therefore please provide an explanation to how WebTag adopts the Treasury Green Book required approach to risk and optimism bias and*	The Applicant has estimated the Scheme costs using the Quantitative Risk Assessment (QRA) process, which is in accordance with Department for Transport's guidance, specifically Transport Analysis Guidance (TAG) Unit A1.2 - Scheme Costs. The Applicant has estimated the Scheme costs using the Quantitative Risk Assessment (QRA) process, which is in accordance with Department for Transport's guidance, specifically Transport Analysis Guidance (TAG) Unit A1.2 - Scheme Costs. The QRA involves adding three specific elements of risk on top of the basic estimate; project risk portfolio risk and uncertainty. This is equivalent to the optimism bias applied to other types of estimates. The QRA is a detailed 'bottom-up' assessment of the costs of materials and labour, including assumptions about when these costs would be incurred to take account of aspects such as inflation.	We are being asked again to accept that the Applicant has simply put the right data into some black box and the answer has to be accepted. The Applicant's sloppy use of terms that have a statistical significance does not give confidence enough to accept that they are doing this properly. We reiterate that "Most Likely" estimate has to come with an error bar – i.e. risk factor that ought to figure in the cost-benefit. "Most likely" is a statistical term and relates to the known probability distributions of the factors that enter the calculation. The

	provide the ExA with detailed information of how the current scheme estimate sufficiently includes for full costs of the proposed project, including the percentage of risk allowance that contributes to the scheme cost that has been used in the economic appraisal and BCR assessment.	This includes a register of all the potential risks to a project that could affect its expenditure. The risk register, together with statistical analysis of previous projects, is then used to estimate the costs of the project. The Applicant confirms that the Scheme costs have been prepared in accordance with guidance and best practise with appropriate assurance of thecommercial estimate.	error bar on this estimate can be computed from those distributions. Optimism bias is an additional factor recognising that the Applicant, on average, distorts the "Most likely" calculations significantly downwards. Strictly in risk analysis, the error bar on "Most-likely" needs to be added (in the normal way of summing variances) to the average optimism bias for this sort of scheme.
Q16.2.6 NH	*Please explain why, in paragraph 5.4.1 of the Combined Modelling and Appraisal Report [REP1-025], the economic appraisal scheme cost excludes spend to date (prior to 2022). Please also reference the answer to ExQ Q14.1.13 [REP2-051] which stated that all the pre-construction activity costs have been included in 'preparation costs'; which seems to contradict the ES.*	The exclusion of spend to date in the economic appraisal scheme cost is in accordance with the Department for Transport's guidance. Specifically Transport Analysis Guidance (TAG) Unit A1.2 - Scheme Costs paragraph 2.3.3 states that: 'Only the costs which will be incurred subsequent to the economic appraisal and the decision to go ahead should be considered. 'Sunk' costs, which represent expenditure incurred prior to the scheme appraisal and which cannot be retrieved, should not be included.' Pre-construction activity costs which are expected in the future (i.e. beyond the economic appraisal) are included in the 'preparation costs' as part of the overall Scheme cost. The Applicant clarifies that Q14.1.3 in Applicant responses to Written Questions (8.5, REP2-051) was intended to refer to all pre-construction activities rather than all costs over time (before and after the economic appraisal). Paragraph 5.1.1 of Case for the Scheme (7.1, Rev 1) states that the full economic appraisal is provided in the Combined Modelling and Appraisal Report (Document Reference 7.10, Rev 1) where the exclusion of spend to date is noted.	There is a logic to the Applicant's response here. One is presumably asking what is the future benefit of me spending money now? What I've already spent is irrelevant to the analysis of whether the spend is justified now. All the same there ought to be at some Department Level an analysis how the agency spends its money and at that point all the supposed benefits of all the NH schemes should be related to the total money spent by the agency (which is more than the sum of all the construction costs). But this does not seem a relevant matter to this Inquiry. Of course if an Inquiry finds that a scheme is poor value for money it would be reasonable to point out to the SoS that the cost of the DCO examination of it was money ill spent.
Q16.2.7 NH	*ExQ Q14.1.15 [PD-008] asked how the value of environmental impacts for the BCR had been derived. Please explain in further detail how the air quality benefit of £4.7m have been derived over the 60 year assessment period, please make reference to the ComMA Data Annex of the Combined Modelling and Assessment report [REP1-025] which details an increase in NOx and PM10. Please explain the geographical area of assessment included in the air quality benefits assessment and if habitat air quality changes are included and if not, why not.*	Paragraphs 5.5.32 to 5.5.36 of the Combined Modelling and Appraisal Report (7.10, Rev 1) describe the calculation of local air quality impacts in the economic appraisal. The air quality benefit of the Scheme has been determined in accordance with Department for Transport, Transport Analysis Guidance (TAG) guidance through the 'impact pathway approach'. Specifically this involved: ▪ Prediction of PM2.5 and NO2 concentrations at receptors across the air quality study area (defined as withing 200m of the 'affected road network'); these receptors are distance banded from each road link in the affected road network ▪ Derivation of change in population exposure to concentrations of NO2 and PM2.5 through counting of residential properties within each of these distance bands from each road link ▪ This is undertaken for both Opening Year and Forecast year of the Scheme and linear interpolation applied to derive values for other years ▪ Monetary valuation of these changes is then calculated using the TAG 'Air Quality	Our understanding of the air quality benefit is that it arises from the supposed traffic reductions (actually the modelled traffic reductions from the increased traffic levels that are predicted for Do Minimum, but which can only be brought about by the scheme allowing such traffic growth in the corridor – see our other D5 submission) on the internal network of Winchester. Since we have demonstrated that no statistical significance can be given to those reductions the AQ economic benefit has to be regarded as illusory. Since traffic is induced by this scheme there will of course be AQ disbenefits elsewhere, particularly in the areas where new trips begin or end. These disbenefits are ignored by the Applicant.

		valuation workbook' which includes cost such as ecosystem damage Whilst the scheme is predicted to result in a net increase in emissions of NOx and PM10 from traffic on the road network, the monetised impacts are net positive as the Scheme is predicted to improve air quality in more densely populated areas (such as Winchester city centre) which equates to a greater benefit than the disbenefit resulting from emissions in less populated areas (such as alongside the M3 and A34).	
Q16.2.8 NH	*In relation to the economic assessment for safety, please give a full explanation of how the wider area of influence has been assessed and how that area was chosen. Please also explain how it is possible to forecast, in the detail given, such that over £8m will be saved in this wider area based on the upgrade of M3 junction 9.*	The safety assessment wider area of influence was determined based on analysis of strategic model predicted traffic flows. Strategic transport model road links that noted a predicted change in Annual Average Daily Traffic (AADT) greater than 10% in Passenger Car Units (one-way) between the 'Without Scheme' and 'With Scheme' options were identified and used to assess potential impacts of the scheme on road safety. The AADT link flow difference analysis was used to determine the impact area around Winchester and the surrounding area. The wider area safety assessment is described in Section 5.5 of the Combined Modelling and Appraisal Report (7.10, Rev 1) where the Department for Transport's COBALT (Cost and Benefit to Accidents – Light Touch) software was applied to quantify and monetise the Scheme impact on road safety. For this wider area, COBALT default collision and casualty rates were applied and the predicted economic benefit is a result of the predicted re-routing of traffic between the 'Without Scheme' and 'With Scheme' options.	I do not believe that my previous arguments on safety benefits have been contested. Assessments of safety based on average values for specified types of link do not account for any off-scheme speed change behaviour that could result in non-standard accident rates on links close to the scheme. We previously pointed out that for national data, correlation between accidents and road building suggest the latter is disbeneficial.
Q16.2.12 NH	*Appendix F of the Combined Modelling and Appraisal Report [REP1-025] details various ComMA data which have been used within the BCR assessment. Tables 5, 6, 7 and 8 refer to safety data. Please explain how this data has been calculated and used to derive cost benefit and also explain how an assessment can be made of such large number of casualties relative to the observed data. For example, table 6 shows that over 60 years some 157 fatal casualties have been assessed (without scheme), which seems significantly higher than the 10 year period (2012-2021) of*	Tables 5, 6, 7 and 8 in Appendix F of the Combined Modelling and Appraisal Report (7.10, Rev 1) present the predicted annual number of collision and casualties (by severity) for the Scheme economic appraisal 60-year period. This data is extracted from Accidents assessment presented in Section 5.5 of the Combined Modelling and Appraisal Report (7.10, Rev 1) where the Department for Transport's COBALT (COst and Benefit to Accidents – Light Touch) software was applied to quantify and monetise the Scheme impact on road safety. For example, Appendix F, Table 6 of the Combined Modelling and Appraisal Report (7.10, Rev 1), indicates 2.7 fatal casualties in 2047 in the COBALT assessment area Figure 5-5 of the Combined Modelling and Appraisal Report (7.10, Rev 1) in the 'Without Scheme' scenario compared with 2.5 fatal casualties in the 'With Scheme' scenario. Please refer to ExAQ16.2.11 for the equivalent observed collisions data for the alternative observed collision data analysis. This indicates there were 59 fatal casualties in the 10-year period for the COBALT assessment area, an average of 5.9 per annum. This is higher than the predicted fatal casualties per year in the 'With	I don't understand this.

	observed collisions suggest	Scheme' safety assessment, which is a function of the COBALT method, the use of default rates, plus the omission of some local roads in the Scheme transport modelling. The Applicant considers that the Scheme safety assessment is appropriate in the context of predicted accident impacts and the extent of the affected road network.	
Q16.2.14 NH	*In response to ExQ Q14.1.2 [REP2-051] regarding how other schemes in the RIS programme had been included in the traffic modelling, the applicant's reply stated that the current Safety Barrier Improvement Scheme between Junction 9 and 14 of the M3 had been considered as part of the future baseline. Please explain what impact this scheme is forecast to have on the traffic modelling and safety assessment for the application.*	The M3 Junction 9 to 14 Safety Barrier Improvement Scheme has been considered as part of the future baseline. However, this does not affect the capacity or operation of the M3 in traffic modelling terms and, therefore, has no impact on the Scheme assessment. In addition, the safety barrier scheme does not affect the safety assessment. Such interventions are not represented within the capabilities of the COBALT (COst and Benefit to Accidents – Light Touch) analysis software but would be expected to practically reduce serious collisions.	Is the Applicant saying that the scheme they were modelling with effectively dual-4 capacity (including hard shoulder) applies to the situation now where the capacity is held at D3?
Q16.2.15 NH	*Please provide a comparison of BCR for the application and other junction improvement schemes in the RIS1 and RIS 2 programme, please also provide details of the average BCR of the RIS1 and RIS 2 junction improvements within the programmes.*	The Applicant's position is that it is not appropriate to compare the Scheme's BCR against other junction improvement schemes. Each scheme must be considered on its own merits taking into account the unique characteristics of the geographic area, the objectives of the scheme, its constraints and benefits; all of which will impact on the ratio. A comparison between different schemes is not a material consideration in the determination of an application. Furthermore, providing an average (mean, median, or mode) BCR for other junction improvement schemes within RIS1 and RIS2 programme would not be appropriate on the basis that the Scheme must be considered on its own merits and not compared against the financial performance (as measured by the BCR) of other junction improvement schemes. The Applicant has outlined further the methodology for calculating the BCR and how the Scheme achieves Value for Money (VfM), Paragraphs 2.4.15 – 2.4.17 within the Applicant Response to Relevant Representations (8.2, REP1-031).	On its own merits the scheme is very poor value for money. But surely the ExA can reasonably ask how it compares with other schemes? Even with the Great Train Robbery, where more cash is diverted into roads from public transport, there is still the likelihood that not all schemes in RIS2 will be fundable, so it must be relevant how a particular scheme has value for money comparatively.
Q16.2.21 HCC	*At ISH2, HCC confirmed that they had validated the Junction 9 traffic model used by the applicant for assessment of the proposed improvements. Can HCC please provide details of how this validation was undertaken and what results were produced that*	The County Council reviewed the outputs of the traffic model as set out in APP-163 Combined Modelling and Appraisal Report and APP-166 Transport Assessment Report. This was principally undertaken by agreeing that the model choice was appropriate and that any variable factors such as committed development and infrastructure was correctly accounted for. The County Council was provided with early sight of traffic flow diagrams for each of the modelled scenarios. The County Council reviewed traffic flow output at individual locations to verify that the modelled flows accorded with recorded flows	

	confirmed it was acceptable to them.	and that these reflected the County Council's operational understanding of the local network (and in light of its own modelling carried out for the Winchester Movement Strategy). For example, concerns were raised that modelled flows on Romsey Road were less than those recorded on Andover Road which is unusual as the County Council's recorded information shows Romsey Road to carry higher flows than Andover Road. The Applicant provided further detail on the exact location of the modelled flows and from this the County Council was able to satisfy itself that the location was downstream from a major junction on Romsey Road which when checked with our own records confirmed that flows were lighter. A similar exercise is being carried out for Easton Lane where the County Council is seeking confirmation of the exact location of the modelled flows on that part of the network.	
Q16.2.26 HCC WCC	*The Winchester Movement Strategy has been highlighted in LIRs and at the ISHs. Can HCC and WCC explain what traffic modelling has been undertaken to assess the changes that the strategy could deliver on traffic volumes, travel times across the city, road safety and air quality.*	HCC and WCC: The Winchester Movement Strategy (WMS) has been informed through extensive public consultation and traffic modelling. The public consultation resulted in 3,000 people sharing their views on traffic and travel in Winchester. Traffic and travel data was also collated as summarised in the following table: *Fig.3 - Evidence base sources and data* **Census 2011, Office for National Statistics** — • Population • Travel to work - mode share, flows **School Census 2017, Hampshire County Council** — • Mode share • Location **Traffic counts, Hampshire County Council and Department for Transport** — • Time-series • Peak hours and directional **TrafficMaster, Department for Transport** — • Average link journey time • Average link speed **Parking and park and ride data, Winchester City Council** — • Indicative parking occupancy • Park & Ride parking ticket sales **Telephone survey, Hampshire County Council** — • Residents' views on transport issues, challenges and opportunities **Real Time Passenger Information System, Hampshire County Council** — • Bus journey times between stop per journey and average per day The WMS made use of a strategic transport model (Sub Regional Transport Model – SRTM) to test proposed measures, and in addition VISSIM modelling was undertaken to test feasibility options for alterations to the city centre movement layout which considered the potential to make changes to traffic movement and release space for public realm improvements. The VISSIM model included the proposed changes to J9 in the Do Minimum Scenario. A review of the most recent five year personal injury accident information was also incorporated into the WMS and used to inform the development of strategies such as overcoming barriers to walking and cycling. The WMS is supported by two detailed feasibility reports which assessed a number of options to deliver on the three strategic priorities of the WMS. This included expansion of Park and Ride services and associated bus priority measures, walking and cycling measures, public realm improvements linked to changes to the one way system and city centre car parking capacity changes. The	This is all about modelling changes in the internal network of Winchester and does not seem to bear on the assertion by HCC that the Movement Strategy is dependent on the M3 J9 scheme. The Movement Strategy remains a mystery to the general public and appears to have morphed from its original objective of reducing traffic in the town, to old-fashioned predict-and-provide car parking. The large increase in P&R provision has actually led to a declining level of intercept of radial traffic since 2010. So far WMS has been a signal failure in meeting any of its original objectives.

		WMS and supporting feasibility studies can be accessed via the following link: Strategic transport - plans and policies | Hampshire County Council (hants.gov.uk)	

Appendix 1 Modelled traffic in streets of Winchester

The data shown in Figs 1-9 of the 7.1 Modelling document is summarised below.

	Andover Road				Worthy Road				Southgate Street				Chesil Street				Easton Lane				Romsey Road			
	South		North		South		North		South		North		South		North		West		East		West		East	
	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS	DM	DS
2027 AM peak	377	312	532	469	275	229	267	224	72	52	510	492	410	326	326	304	179	217	321	385	212	205	170	176
2027 Inter peak	379	316	235	210	217	184	205	213	94	93	449	446	367	343	245	239	156	247	220	285	251	226	98	98
2027 PM Peak	452	395	397	364	206	190	251	245	157	149	450	391	615	488	248	241	221	284	347	390	244	223	130	134
2042 AM peak	569	476	427	354	284	246	279	251	77	65	537	497	471	313	299	296	202	292	396	448	218	222	161	178
2042 Inter peak	417	346	379	239	232	196	261	254	104	102	547	481	388	289	256	239	172	251	274	327	297	270	81	97
2042 PM Peak	439	386	544	421	216	189	307	279	194	165	549	444	657	484	265	239	244	306	406	484	233	228	108	109
2047 AM peak	588	486	440	369	299	259	290	263	81	71	529	504	471	324	296	293	208	283	414	460	222	225	159	171
2047 Inter peak	432	359	417	255	239	203	278	270	109	105	569	487	401	280	259	239	180	260	310	343	298	275	82	93
2047 PM Peak	451	379	565	453	220	205	314	303	187	175	553	437	662	490	282	247	253	298	447	509	224	217	92	111

The data in red has the peculiarity of being lower than the same data for a previous year. If there is some explanation for this involving future changes to the network elsewhere, then it ought to be stated what those changes are. There doesn't seem to be any particular pattern to the discrepancies.