

M27

Southampton Junction 8 Improvement Scheme

Proof of Evidence: Harriet Massie
Taylor Joseph Clark

Scheme Overview

**The Highways England (M27 Southampton Junction 8 Improvement Scheme
– M27 Junction 8 and Windhovier Roundabout)
(Special Road) Compulsory Purchase Order 2021**

20221

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1. Introduction

Personal details

- 1.1. My name is Joseph Clark and I am the National Highways Project Manager for the M27 Southampton Junction 8 Improvement Scheme (the Scheme). I am a Member of the Association for Project Management and I have worked in the Construction Industry for 15 years, of which the last 6 have been acting as Client Project Manager.
- 1.2. I have been the Project Manager on the M27 Southampton Junction 8 Scheme from August 2015 to May 2017 and currently since March 2022.
- 1.1. My name is Harriet Massie Taylor and I am the National Highways Project Manager for the M27 Southampton Junction 8 Improvement Scheme. I am a Chartered Project Professional (ChPP) with the Association for Project Management as well as holding a BSc in Quantity Surveying and a Member of the Association for Project Management. I have worked in the Construction Industry for 14 years, of which the last 7 have been acting as Client Project Manager.
- 1.2. I have been the Project Manager on the M27 Southampton Junction 8 scheme since October 2019 (2 years).
- 1.3. The evidence which I have prepared and provided in this Proof of Evidence has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the evidence is true, and the opinions expressed are my true and professional opinions.

Structure of this evidence

- 1.4. This evidence provides the National Highways overview of and case for the Scheme, including the need and objectives. Detailed technical evidence will be provided by other witnesses from the project team.

 - a) Highways – David Stone
 - b) Traffic and Economics – Alasdair Sim
 - c) Land Acquisition – Gavin Tremeer
 - d) Flooding – Jack Pickering
 - e) Landscape – Philip Black
 - f) Noise – James Williams
 - g) Ecology – Alanna Cooper
 - h) Planning – Clare Williams
- 1.5. My evidence addresses the following:

 - a) Section 2: Describes the location of the Scheme, the land, the works to be undertaken and the delivery of the Scheme.
 - b) Section 3: Describes the need and purpose of the Scheme, covering scheme objectives and the existing conditions that drive the scheme requirements.

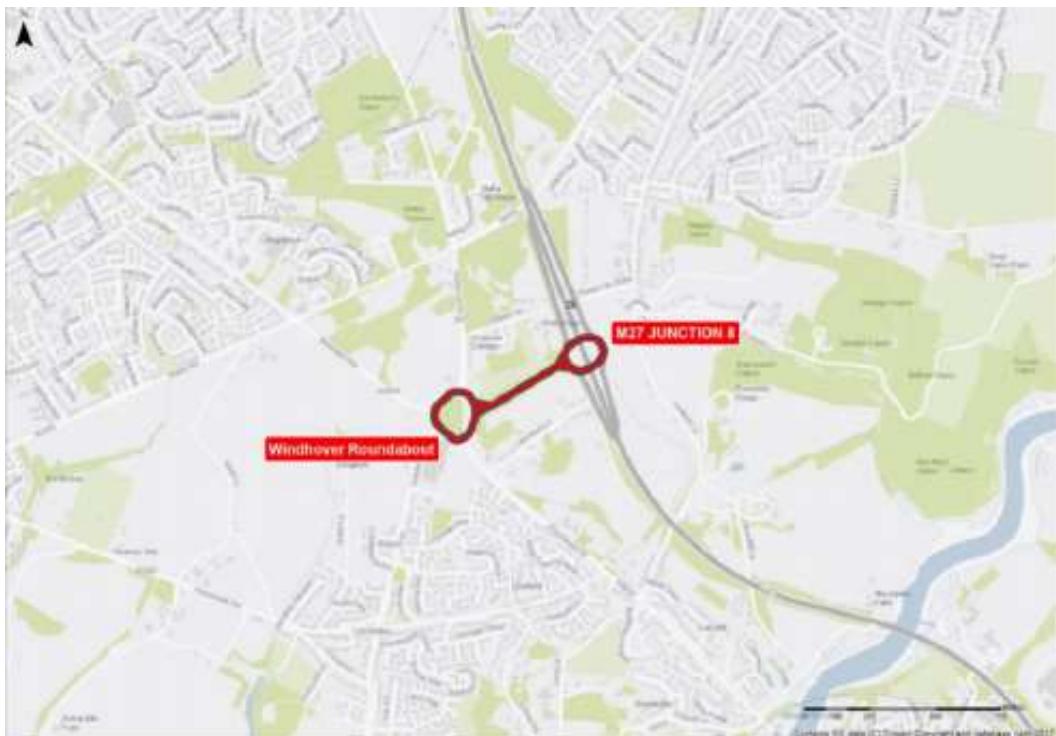
- c) Section 4: Describes the traffic modelling, and the resulting benefits, for the delivered Scheme.
- d) Section 5: Describes the funding mechanism for the Scheme.
- e) Section 6: Describes the purpose and effect of the Compulsory Purchase Order (**CPO**) and the Side Roads Order (**SRO**) made by National Highways and the compelling case for them.
- f) Section 7: Describes the planning position of the Scheme.
- g) Section 8: Describes the environmental assessment for air quality, cultural heritage, landscape, biodiversity, geology and soils, material assets and wastes, noise and vibration, population and health, road drainage and water environment, climate change and cumulative effects.
- h) Section 9: Describes the Scheme delivery timescales and commitments.
- i) Section 10: Describes the Scheme supporters and reasons for their support, also the Scheme objectors and details of their objections. It describes the current status of each of the objections (withdrawn or outstanding) plus responses to the objections from National Highways to date. For outstanding objections, it also provides the status of the Statement of Common Ground between the objector and National Highways.
- j) Section 11: Describes the conclusions of my evidence.

2. The Scheme

Location of the Scheme, Land and Works

2.1. The Scheme is located on the M27 Junction 8 and Windhover Roundabout, which is to the south east of the city of Southampton and to the north of the village of Bursledon. It is within the borough of Eastleigh, in the county of Hampshire, as shown in Figure 2.1.

Figure 2.1 M27 Southampton Junction 8 Scheme Location Map



2.2. Land use and land cover in the immediate vicinity of the Scheme comprises arable land and grassland and woodland verge, to the north of Windhover Roundabout and the A3024 Bert Betts Way and pasture land to the east of the M27 Junction 8 and north of the C56 Dodwell Lane.

2.3. To the south and south east within 500 metres of the Scheme are located a variety of light industrial and commercial uses, including a pub/restaurant, automotive repair and car dealerships, and a large Tesco Extra supermarket on Hamble Lane.

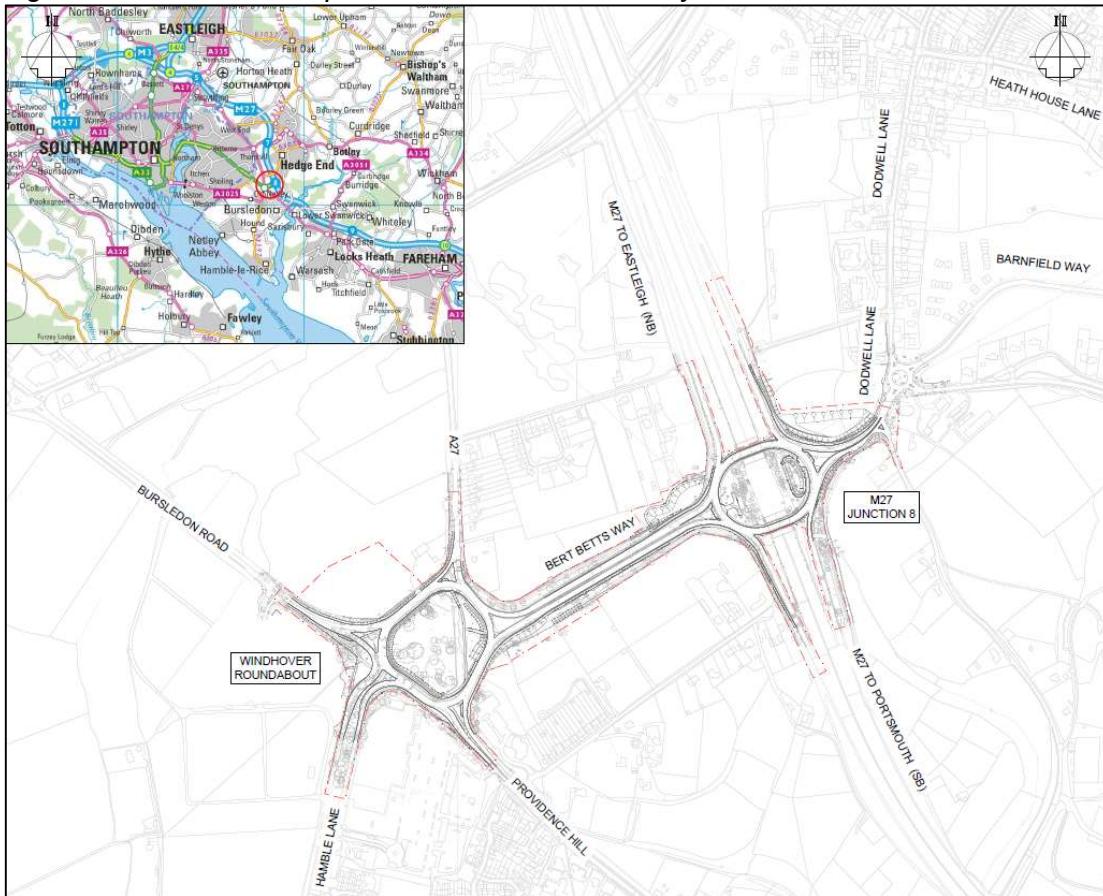
Description of the Scheme, Land and Works

2.4. The M27 is part of the Strategic Road Network (SRN) connecting key urban centres in the South East including Southampton, Eastleigh, Fareham and Portsmouth. The M27 is dual, three lane, carriageway, northbound and southbound, between Junctions 7 and 8 and south east of Junction 8.

2.5. The local road network connecting with the M27 consists of the A3024 (via Windhover Roundabout), at Junction 8, and the A334, at Junction 7 to the north. Both routes provide access towards Southampton city centre. The A27 also connects to Windhover Roundabout and provides a route around the city of Southampton, eventually connecting to the M3 near Eastleigh.

2.6. The Scheme, reflecting the current Stage 5 (ongoing) design, comprises the following elements as shown in Figure 2.2.

Figure 2.2 M27 Southampton Junction 8 Scheme Layout



2.7. The current 2-lane arrangement of the M27 A3024 Roundabout at Junction 8 will become 3-lane. The M27 northbound entry slip road and southbound entry slip road will retain their 2-lane arrangement as now, but will be provided with an additional direct filter lane, off the A3024 Bert Betts Way to the northbound entry slip road, and off the C56 Dodwell Lane to the southbound entry slip road. The M27 northbound exit slip road will become a 3-lane approach to the M27 A3024 Roundabout, including a filter lane onto the A3024 Bert Betts Way. The M27 southbound exit slip road to the M27 A3024 Roundabout will have two lanes leading onto the roundabout and a filter lane leading onto the C56 Dodwell Lane. The junction will be signalised.

2.8. Prefabricated oversized drainage pipes (situated below the maintenance hardstanding) and an attenuation basin will be situated within the M27 Junction 8 (noting that the drainage tank proposed in the Stage 3 design at Dodwell Lane, has been removed along with the splitter island on Dodwell Lane).

2.9. Two further off-highway attenuation basins will be located (1) immediately to the north of the C56 Dodwell Lane and east of the M27 southbound exit slip road, in existing pasture land, and (2) immediately to the north of the A3024 Bert Betts Way and west of the M27 northbound entry slip road, in what is currently an area of an extended residential garden abutting the Bert Betts Way. At this point, the improved Bert Betts Way will be provided with a carriageway retaining wall, on its approach to the M27 northbound entry slip road, alongside the attenuation basin, together with a 2 metre wide highway verge behind the wall, for its maintenance purposes. Access to this, and

to the attenuation basin, will be off a widened vehicle pull in on the easterly approach along Bert Betts Way.

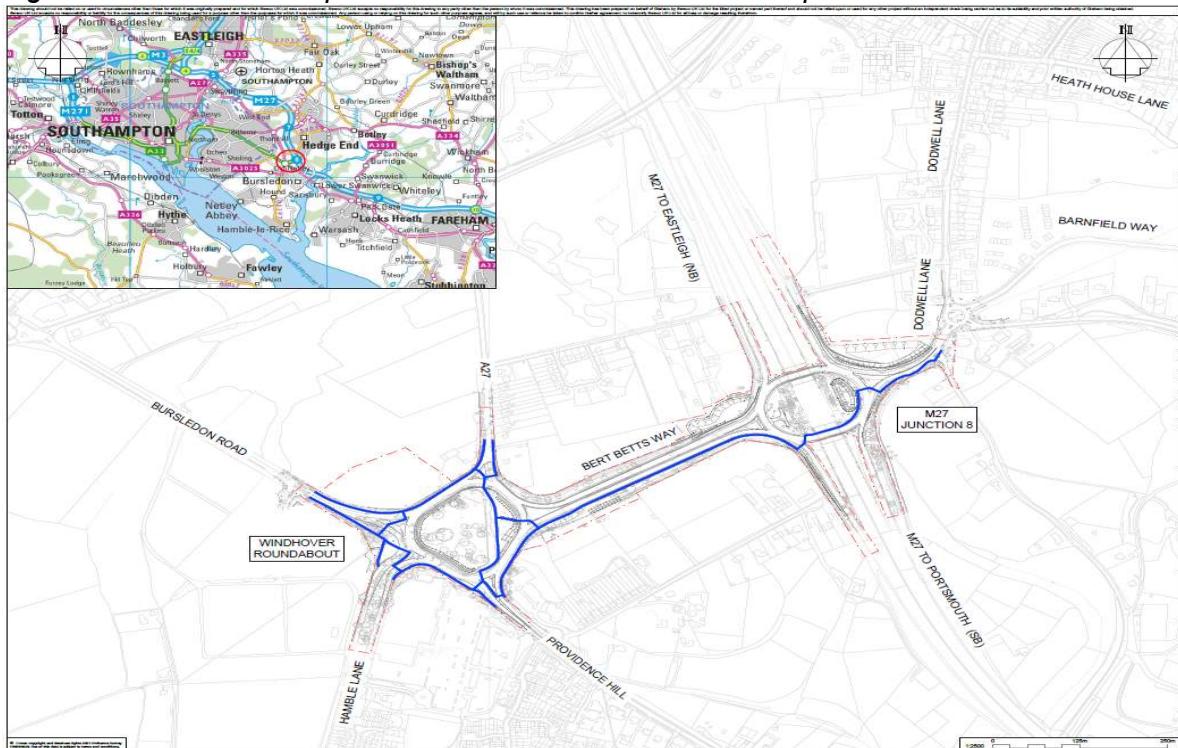
Windhover Roundabout

- 2.10. The current 3-lane arrangement of the Windhover Roundabout will become 4-lane. Each arm approach of the roundabout, the A3025 Hamble Lane, the A3024 Bursledon Road, the A27 West End Road, the A3024 Bert Betts Way, and the A27 Providence Hill, will have a 3-lane approach to the roundabout, and which offers a fourth filter lane throughout the roundabout to each exiting arm, with a 2-lane filter exiting the roundabout onto the A3024 Bert Betts Way.
- 2.11. Drainage attenuation will be situated within the Windhover Roundabout.

Non-motorised user (“NMU”) provisions

- 2.12. No public rights of way are affected by the Scheme. Hound Footpath 1 (now within the Parish of Bursledon) will continue its connection with the Windhover Roundabout as now. Integral cycleway/footways of the roundabout will be improved on their approaches along all arms of the roundabout, to cater for pedestrians, cyclists and equestrians being taken to the roundabout crossing points and the integral paths which run through the roundabout central island. The southern cycleway/footway of Bert Betts Way will be improved between Windhover Roundabout and M27 Junction 8 northbound exit slip road, where it will then cross the top of the slip road and roundabout to enter the inner part of the carriageway of the roundabout, where a new length of integral cycleway/footway will be provided to run to the crossing of the roundabout on its eastern arm to connect with the Dodwell Lane cycleway/footway running eastwards, on the south side of its carriageway. Signalised crossing points at both junctions will offer safe intervals for pedestrians, cyclists and equestrians to cross to continue their movements through the junctions.
- 2.13. The blue line shown in Figure 2.3 provides a high level overview of the non-motorised user provision from M27 Junction 8 through to Windhover roundabout. This provision is also shown in greater detail, as per ‘shared use route’ cross hatching, on General Arrangement drawings (Stage 5) [CD.A.9].

Figure 2.3 M27 Southampton Junction 8 Non-Motorised User provision



Mitigation

- 2.14. On the approach to the Windhover Roundabout from Bert Betts Way replacement integral highway landscaping will be incorporated where there will be some landscaping loss sustained on the south side of Bert Betts Way carriageway on the roundabout approach.
- 2.15. As referred to above, two mitigating off-highway flood attenuation basins will be constructed. These will be located immediately to the north of the C56 Dodwell Lane and east of the M27 southbound exit slip road, in existing pasture land (Plot 11b, CPO Plans [CD.A.2]), and immediately to the north of the A3024 Bert Betts Way and west of the M27 northbound entry slip road, in what is currently an area of an extended residential garden abutting the Bert Betts Way (Plot 9d, CPO Plans, [CD.A.2]). These are required to attenuate flood waters upstream of the M27 Junction 8.

Land

- 2.16. Land acquisition is required for a works compound, two off-site attenuation basin areas and areas outside the existing highways boundaries required for localised widening.
- 2.17. With the exception of the areas of the land required for the works compound, the two off-site attenuation basin areas and areas outside the existing highways boundaries required for localised widening, all other of the Order Lands are existing highways of the M27 Junction 8 slip roads, of Windhover Roundabout and its approach highways, and of the A3024 Bert Betts Way linking the two junctions.
- 2.18. Land required for the work compound, is currently part of an area of pasture adjacent to a stable block and barn, accessed off the Windhover Roundabout. Land required for the localised widening of highways and of the proposed attenuation basins and working space, is currently a terminal end of an extended residential garden, and an area of adjacent wooded hedgerow field boundary to its west, to the north of Bert Betts Way and an area of pasture land located to the north east of M27 Junction 8, which forms

part of a larger field. Land required for biodiversity mitigation is currently part of a woodland verge to the south of Bert Betts Way.

- 2.19. The extent of the Land acquisition required was determined during Stage 3 Preliminary Design, where possible making all improvements within the Highways Boundary and where not possible, investigating all possible alternatives to the final resort of compulsory land purchase. (Note, as per paragraph 2.25 of this document, the extent of land acquisition was also reviewed at Stage 5 and it was determined that the same extent was required).
- 2.20. The highways design was undertaken to meet the Scheme benefits and due to the Scheme being an expansion of two existing roundabouts, improvements had to be achieved through use of land adjacent to the existing highway. For the majority of the highway this fell within the existing Highways Boundary but for some Plots, compulsory purchase was the only option to achieve localised widening of highways.
- 2.21. Land required to achieve the Scheme benefits in terms of drainage and flood design was determined by using as much of the existing drainage provision as possible and making improvements through modelling, flood risk assessment and application of sequential and exception tests.
- 2.22. Due to the Scheme being an expansion of two existing roundabouts, relocation of the Scheme was not considered practical and the sequential test was assumed to be passed. Application of the flood risk assessment determined that the exception tests were also passed and the Stage 3 flood compensation proposals were appropriate for the Scheme.
- 2.23. Land required for environmental mitigation was determined in accordance with the outcomes of the Environmental Assessment Report (Summary, Page 216, [CD.B.1]).
- 2.24. The full extent of the Land acquisition determined as required through the Stage 3 design process is shown in the CPO Plans [CD.A.2] and is discussed in more detail in the Proof of Evidence by Gavin Tremeer – Land Acquisition [NH/7/2]. It comprises 49 plots, each of which is described in the Schedule to the CPO. Further details relating to each Plot, including the reason(s) why it is required, are provided in the Statement of Reasons that was published alongside the CPO (Appendix A, Page 56, [CD.A.1]).
- 2.25. Design changes between Stage 3 and Stage 5 are summarised in Details of Design Changes PCF between Stage 3 and Stage 5 (Section 2, Page 2, [CD.A.10]). Whilst highways alignment and flood compensation solutions have been modified, including the reduction in lanes along two slip roads and removal of splitter island/storage tank at Dodwell Lane, these modifications have not resulted in any change to the land acquisition requirements included in the CPO.

Scheme Alternatives

Optioneering

- 2.26. At PCF Stages 0 strategic options to meet the Scheme requirements were identified. These were progressed through PCF Stage 1, where the options were subject to economic, operational and environmental appraisal, and through PCF Stage 2 where the options were separated into five Scheme/sub-scheme option combinations and subject to further economic, operational and environmental appraisal.
- 2.27. Of the five sub-scheme options assessed, a combination of sub-schemes comprising Sub-Scheme 1 (Windhover and Junction 8 roundabouts) plus the Botley Road element of Sub-Scheme 2 improved safety, reduced congestion at M27 Junction 8 and

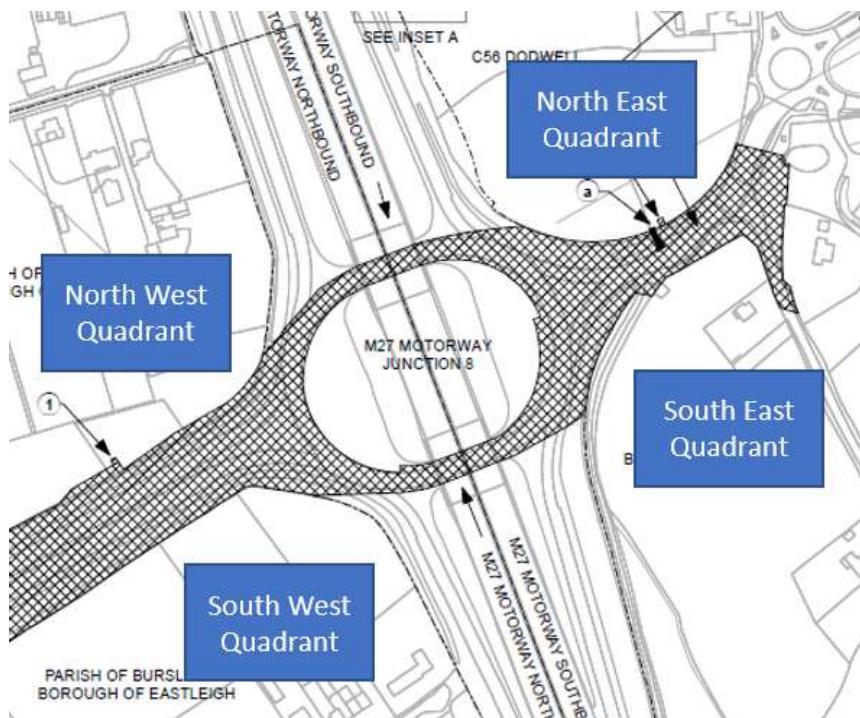
Windhover Roundabout and provided connectivity for pedestrians and cyclists and was 'medium' value for money. As the best performing option, this was put forward as the preferred route for the Scheme.

- 2.28. The Botley Road junction improvements were subsequently taken out of the National Highways proposals as Southampton City Council secured funding to deliver junction improvement works along the A3024 corridor with Botley Road.
- 2.29. The resulting scheme became National Highways preferred option, the M27 Southampton Junction 8 Scheme.

Design

- 2.30. The Stage 3 design remit was to achieve the Scheme objectives within the existing highways boundary. Various scheme alternatives were considered during the design process to achieve this requirement however it was determined that it was not possible to achieve the Scheme objectives without land acquisition.
- 2.31. Details of scheme alternatives explored during the design process are detailed in Section 9 of the Statement of Case [CD.A.8]. These included:
 - the location and type of technology to be included (e.g. traffic signals)
 - the construction methodology and programme (including the number and location of compounds and haul roads)
 - optimising the cut-fill balance to reduce material requirements and waste
 - the location and extent of carriageway widening
 - the location and design of proposed WCH routes
 - the location of drainage and flood compensation
- 2.32. Of particular reference to the compelling case for this Scheme, alternatives for drainage and flood compensation during Stages 3 and 5 were considered with regard to minimising land requirements outside of the highway boundary, construction methodology and future maintenance.
- 2.33. These alternatives are detailed below and relate to the M27 Junction 8 Quadrant references provided in Figure 2.5.

Figure 2.5 Quadrants at M27 Junction 8



North and South West Quadrants

2.34. To the West of Junction 8, two options were considered to mitigate flood risk, noting that land to the West of the M27 is hydraulically independent from the East and drains to a separate watercourse. It therefore does not have capacity to take any transfer in flow from the East.

2.35. The two options were:

- Option 1 – to construct a 160m long flood wall on the embankment alongside the road to the north west of the M27 roundabout to capture flows in a flood compensation area in the north west corner of Junction 8.

This was the preferred option taken forward to detailed design.

During early discussions, landowners made clear to National Highways the extent of land that they were prepared to sell by negotiation. This drove the design of the flood compensation solution/design. It was determined that a retaining wall solution provided the ability to contain the volume required for flood mitigation within the land that landowners were prepared to enable National Highways to acquire land by negotiation rather than compulsory acquisition.

This enabled a preferred design solution with minimal land acquisition overhead.

- Option 2 – to provide a new culvert (0.5m in diameter crossing under the A3024 Bert Betts Way) to pass flows to a flood risk mitigation area in the south west corner of Junction 8.

This option was discounted as it required land acquisition in both the NW and SW quadrants plus the installation of a new culvert to meet the flood compensation requirements. It also introduced an inherent blockage risk which would make it less reliable as a flood risk mitigation measure that wasn't present in Option1. If

implemented, this solution would have incurred a greater cost than Option 1 due to double the land acquisition overhead costs and would have greater buildability impact due to the under road construction.

North and South East Quadrants

2.36. To the East of Junction 8, a number of options were considered to mitigate flood risk, noting that land to the West of the M27 is hydraulically independent from the East and drains to a separate watercourse. It therefore does not have capacity to take any transfer in flow from the East.

2.37. The options considered to address flood mitigate to the East of Junction 8 were as follows:

- Option 1 – provide an earthworks flood compensation area with an underground storage tank that combined the highway and watercourse drainage systems together whilst providing attenuation during storm events

This option was adopted at Stage 3 as the optimal solution when both the highway and watercourse design solutions were combined. However during Stage 5, as the design was refined, it was considered that whilst the highway and watercourse flows will ultimately be connected it would be more efficient to treat each element separately. Highway drainage could be designed to its required standards and attenuate within a highway pond with a controlled discharge rate into the watercourse. The watercourse could be designed to its required standards with capacity issues managed within dedicated flood compensation areas thus removing the need for underground storage tanks.

- Option 2 – provide an earthworks flood compensation area using land to the north of Peewit Hill Close.

This option was discounted. As land to the north of Peewit Hill Close is constrained by an existing planning application (F/17/80651) it could not be considered for this scheme.

- Option 3 – provide flood compensation area using land in the north east quadrant, between Peewit Hill Close and Dodwell Lane (Plot 11b, CPO Plans, [CD.A.2])

This was the preferred option taken forward as part of Stage 5 design progression it is economically viable and was the only suitable location to meet the hydraulic flood compensation requirement of attenuating flow upstream of Junction 8.

The volume required for this flood compensation area, could be achieved by either a retaining wall or earthwork solution as the area of land required was broadly similar for both. The additional volume difference between a vertical wall face and an earthworks batter (the shape of the land between two different levels), in this instance, would make very little difference to the overall plan area of the flood compensation area. Retaining walls used in small basin areas have a greater impact proportionally than in larger areas with open basins.

The complexity and increased cost of constructing a retaining wall for a small volume of additional storage meant that a 1 in 3.5 earthworks batter was preferred to a retaining wall solution.

- Option 4 – increase size of culvert under Dodwell Lane and provide flood compensation area in SE quadrant

This option was discounted (as detailed in Section 5, Page 18, Proof of Evidence by Jason Ball – Flooding [NH/3/2]). Whilst this option could technically be delivered, to construct within the natural profile of the land of the SE quadrant, c5m excavations and extensive sheet piled walls/earthworks would be required to keep most the stored water below the existing ground level. The resulting c3m flood walks above ground levels would introduce a visual barrier that would need to be scoped into the Environmental Assessment Screening. Additionally, the deep excavation and box culverts would require significant scour (loss of trees and vegetation).

Construction would be extremely disruptive to the highway network, requiring significant road closures and rerouting of utilities.

Operationally, culverts always have a risk of blockage, however providing a flood basin upstream of a culvert would provide additional storage in the event of a blockage and allow reactive maintenance of the culvert to be carried out prior to any risk to the highway being realised. Locating the basin downstream of a culvert would remove this benefit and severely limit any reactive maintenance time to reduce risk to the highway.

From both a construction and operational perspective, this option was not deemed economically viable.

Highway Authority

- 2.38. The scheme is being delivered across two Highway Authorities, National Highways and Hampshire County Council.
- 2.39. Works on National Highways infrastructure will be delivered under their own powers.
- 2.40. Works on Hampshire County Council infrastructure will be delivered by National Highways under a Deed of Agreement for transfer and exercise of the functions of improvement of Hampshire County Council as the Highway Authority to Highways England Company Limited at Junction 8 of the M27 pursuant to (inter alia) Section 4 of the Highways Act 1980 for the duration of the works.
- 2.41. This Section 4 agreement has been drafted and reviewed by both parties' legal teams. It is currently with HCC for signature. It is anticipated that this agreement will be signed prior to Stage 6 of the Scheme (construction). If for any reason that was not the case, Scheme delivery is not at risk. The Scheme can still be delivered under the SRO and future jurisdiction /maintenance responsibilities agreed in parallel.
- 2.42. The following documents detail the responsibilities of the two Highway Authorities before and after the delivery of the Scheme.
- 2.43. Jurisdiction of Highways – current and post construction [CD.A.12] details the Highway Authority jurisdiction prior to, and following completion of, the Scheme works.
- 2.44. Current and proposed maintenance plans [CD.A.11] details the Highway Authority maintenance responsibilities prior to, and following completion of, the Scheme works.

Delivery of the Scheme

- 2.45. The Scheme is being delivered by National Highways in accordance with National Highways Governance “Project Control Framework” (PCF).
- 2.46. The PCF is the electronic manual for Major Projects that sets out who needs to do what and when to deliver a successful road project in a consistent and controlled manner.
- 2.47. The PCF lifecycle contains 8 stages, inclusive of stage 0 as shown in Figure 2.6. A project team typically has to go through these stages to successfully deliver the project.

Figure 2.6 Major Projects’ Life Cycle

Pre-project	Options	Options	Development	Development	Development	Construction	Construction
0 Strategy Shaping and Prioritisation	1 Options Identification	2 Options Selection	3 Preliminary Design	4 Statutory Procedures And Powers	5 Construction Preparation	6 Construction, Commissioning and Handover	7 Closeout

- a) Stage 0 identifies the Strategic need for the Scheme.
- b) Stage 1 identifies options to be taken to public consultation and assesses them in terms of environmental impact, traffic forecasts and economic benefits.
- c) Stage 2 takes the options to Public Consultation, selects a preferred option and announces the Preferred Route.
- d) Stage 3 completes the preliminary design for the Preferred Route and determines (for Highways Act 1980 schemes) the red line boundary for draft Orders to be prepared in Stage 4.
- e) Stage 4 (for Highways Act 1980 schemes) publishes notice of draft Highways Act 1980 orders and Environmental Impact Assessment Notice of Determination, includes attendance at Public Inquiry (where required) and publishes final notice of Secretary of State’s decision letter confirming whether orders are to be confirmed as published in draft, rejected or amended.
- f) Stage 5 prepares for construction, which includes detailed design.
- g) Stage 6 includes construction, commissioning and handover.
- h) Stage 7 closes out the scheme with the contractor.

- 2.48. Having successfully completed Stages 0, 1, 2 and 3, the M27 Southampton Junction 8 Scheme is currently in PCF Stage 4.
- 2.49. Under the Governance process, a Scheme cannot progress to the next PCF Stage without completing the preceding, therefore any work undertaken for a later stage is undertaken at risk.
- 2.50. The M27 Southampton Junction 8 Scheme is progressing Stage 5 detailed design (at risk) in parallel with Stage 4, in order to meet public delivery commitments.
- 2.51. This is reflected in text on documentation front covers “Stage 4 incorporating Stage 5”. This is reflective of the governance process only and does not indicate that Stage 5 design has been incorporated into the Stage 4 Orders.

Delivery Partners

- 2.52. At the start of Stage 3, National Highways were progressing the Scheme, under the Collaborative Delivery Framework, with Jacobs.
- 2.53. Part way through Stage 3, National Highways developed a new procurement approach called the Regional Delivery Partnership (**RDP**).
- 2.54. As part of the transition from one framework to another, Jacobs completed the Stage 3 design apart from flood modelling (plus subsequent environmental assessment) which was to be undertaken by the future supplier.
- 2.55. BAM Nuttall (also referred to as Linkconnex) were allocated as the Scheme's Delivery Integrated Partner (**DIP**) and they progressed the completion of Stage 3 design including flood design (plus subsequent environmental assessment). Following completion of Stage 3, BAM Nuttall declined to further proceed as the Scheme's DIP for Stages 4, 5, 6 and 7.
- 2.56. Graham Construction Ltd are now the DIP for the Scheme, with responsibility for Stages 4, 5, 6 and 7. They are actively progressing the Stage 3 design through the ongoing Stage 5 detailed design.

3. Need for and Purpose of the Scheme

- 3.1. In December 2014 the DfT published its Road Investment Strategy (**RIS1**) (Paragraph 1, Page 7, [CD.F.3]) for the period 2015-2020, announcing £15 billion to be invested in the SRN.
- 3.2. The RIS (CD.F.3]) outlined key investments on the SRN. Last bullet point, Page 45, [CD.F.3]) stated under 'Newly announced in this Investment Plan' - "*M27 Southampton junctions – additional capacity at junction 8 through improvements to the Windhover roundabout. In addition, parallel improvements to the local road network funded through their investment plan will improve two railway bridges, near junction 5 and in central Southampton, to allow traffic to avoid unnecessary travel on the motorway.*"
- 3.3. The RIS was replaced by the Road Investment Strategy 2 (**RIS2**) in March 2020 [CD.F.4]. The RIS2 (2nd to last paragraph, Page 104, [CD.F.4]) states that the Scheme is 'Committed for RP2', "*M27 Southampton Junction 8 – additional capacity at junction 8 through improvements to the Windhover roundabout.*"

Scheme Objectives

- 3.4. The scheme objectives have been developed based on the overarching RIS2 objectives. The objectives for this scheme are:
 - Improving safety for all – improve the “whole life” safety record at M27 Junction 8 and Windhover Roundabout.
 - Fast and reliable journeys – reduce congestion and journey times along the M27 Junction 8 and Windhover Roundabout. Improve journey time reliability and connectivity between east and west of the M27 Junction 8 – Windhover Roundabout.
 - Being environmentally responsible – maintain air quality by reducing congestion and journey times along the M27 Junction 8 and Windhover Roundabout.
 - Meeting the needs of all users – deliver minor capacity enhancements to the SRN, M27 Junction 8 slip roads, whilst supporting the safe, accessible use of active travel modes for pedestrians and cyclists.

Congestion

- 3.5. The M27 Junction 8 and A3024 Bursledon Road should serve as one of the main corridors into the city of Southampton. However, due to congestion, mainly caused by delays at key junctions and restricted road bridges, a large proportion of traffic uses the M27 between Junction 8 and Junction 5 as an alternative route into the city centre via the A335. This is the current situation. It is likely to degrade further in the future without intervention.
- 3.6. Contrary to Mr Keeling’s response (Paragraph 34, Page 8, Mr Keeling’s response to National Highways Statement of Case [CD.H.2]) that “*NH...candidly accepts that “no significant wider economic impacts of such a small scheme are expected”*”, National Highways can confirm that whilst the wider economics are not ‘significant’ due to the size of the scheme, wider economic impacts of the Scheme (which contains more than signalisation of the Junction alone) have been analysed and calculated, as recommended by TAG. The resulting wider economic benefits are £0.73m in addition to the £29.67m localised economic benefits of the scheme. The total benefits are

plainly very material. They include some wider benefits but in reality a benefit is a benefit and improving the locality is only to be commended.

- 3.7. The Solent to Midlands Route Strategy Study (Highways England, 2015) [CD.F.23] was a high-level route assessment that identified long-standing congestion hot spots and safety concerns on the SRN. It confirmed the need for improvements along the M27 between Junction 8 and Junction 5 (Figure 2, Page 10 [CD.F.23]). Subsequently, the M27 Southampton Junction 8 Scheme was included in the RIS1 for the 2015/16 - 2019/20 Road Period (2015) (last bullet point, Pg45, [CD.F.3]). RIS2 identifies the M27 Junctions 4-11 smart motorway scheme as under construction for the period 2020 - 2025, while the Scheme is identified as being committed for Road Period 2 (2020/21 – 2024/25) (Paragraphs 3 and 13 respectively, Page 104, [CD.F.4]). The Scheme was included in the National Highways Delivery Plan 2015-2020 (Item 82, Page 68, [CD.F.7]) and is now included in the National Highways Delivery Plan 2020-2025 (Annex B, Page 75, [CD.F.8]).
- 3.8. As explained in detail in Proof of Evidence by Alasdair Sim – Traffic (Section 2, Page 5, [NH/1/2]), the M27 between Junction 8 and Junction 5 suffers from congestion and delays. Both junctions are in the top 10% of the Motorway road network congestion problems as reported in the Solent to Midlands Route Strategy Evidence Report (2014) (Figure 2.2, Page 19, [CD.B.18]). National Highways predict that substantial growth in trade at the Port of Southampton will increase heavy goods vehicle traffic on the M27 and routes into and out of Southampton over the next 10 years (Table 4.1, Pg.49, CD.B.18]). A large quantity of residential development is also being planned for Southampton and the surrounding areas of Hampshire. If these are not managed sustainably the increases in traffic will add further congestion pressure onto the M27.
- 3.9. The Solent to Midlands Route Strategy Evidence Report (2014) (Paragraph 2.2.10, Page 17, [CD.B.18]) states that the M27 Junction 8 is in the top 50 sites for casualties (but does not provide metrics to quantify this); this is an accident reference to the junction itself not the links to it. Paragraph 2.2.11 states that for link based data the whole route (i.e. the 162-mile Solent to Midlands Route) falls within the lower bands for casualties, this statement is not relevant to M27 Junction 8 as it relates to the links connecting to the junction, not the junction itself. The Scheme however delivers a reduction in accident frequency (Proof of Evidence by Alasdair Sim (Paragraphs 5.13-5.17, Page 15, [NH/1/2]).
- 3.10. The Solent to Midlands Route Strategy Evidence Report (2014) (Paragraph 2.4.8, Page 23, [CD.B.18]) states that National Highways “*has a responsibility to reduce flooding.... that impacts on network performance and safety of road users. Flooding of the network has an impact on third parties living adjacent to the network*”. No reference has been made to M27 Junction 8 as there is not a risk to third parties living adjacent to the network. National Highways however has a requirement to protect the Scheme from any existing flood source which could affect the Scheme, as detailed in Proof of Evidence by Jason Ball [NH/3/2].
- 3.11. The Solent to Midlands Route Strategy Evidence Report (2014) (Tables 2.1 and 2.2, Pages 6 and 7, [CD.B.18]) demonstrates that M27 Junction 8 is in the top 10 most congested parts of route. While figure 4 does not specifically reference Junction 8 as a ‘key challenge’, traffic modelling for the Scheme has taken into account future planning aspirations of local councils for committed developments. The Scheme has demonstrated that the Scheme addresses the growth (capacity) requirement at Junction 5 referenced in Figure 4. By improving capacity and reducing delay at Junction 8, vehicle movements are encouraged away from Junction 5 (thus increasing capacity) and utilised the improved journey (as evidenced in Transport Forecasting

Package [CD.B.23]) and Proof of Evidence by Alasdair Sim – Traffic and Economics (Section 5, Page 12, [NH/1/2]).

- 3.12. Congestion at Windhover Roundabout is currently caused by a combination of localised peak time traffic (7am to 10am and 4pm to 7pm) and rat-running to avoid M27 Junction 8 tailbacks. If traffic congestion is not addressed on the M27 between junctions 8 and 5, as well as in and around M27 Junction 8, then service provision along the M27 will deteriorate, and local growth in housing and employment may be negatively affected. National Highways, Southampton County Council (**SCC**), Hampshire County Council (**HCC**) and Eastleigh Borough Council (**EBC**) have identified that improvements are necessary to reduce congestion at this vital arterial connection, so that delays do not compromise potential future economic growth in the subregion.
- 3.13. By improving M27 Junction 8 and Windhover Roundabout, the Scheme aims to encourage city centre bound traffic from the east of Southampton to use the shorter signposted routes via M27 Junction 8/A3024. This in turn will improve traffic flow and reliability on the M27 between Junctions 8 and 5. The Scheme improvements will help alleviate traffic congestion which will benefit the community in terms of freer flowing traffic and by supporting the economy by providing improved journey times for local businesses using the route, as well as aiding better traffic movement to support planned developments in the sub-region. Traffic should be encouraged to use the improved routes, complimented by other local highway authority sub-schemes when they become implemented, offering traffic relief to other of the M27 Junctions between 5 and 8 from other local traffic seeking access to and around Southampton city.
- 3.14. A separate improvement project known as M27 Junctions 4 to 11: smart motorway commenced in January 2019. This sees the hard shoulder turned into a permanent running lane, making a dual four-lane, smart motorway between Junction 4 (M3 interchange) and Junction 11 (Fareham), which will complement the Scheme.

Safety

- 3.15. Research has shown that the M27 Junction 8 and nearby Windhover Roundabout has had a significant number of accidents, presenting a safety issue for users. Road safety data obtained from the Department of Transport (**DfT**) Road Safety Data (2021) and spanning from 2015 to 2019 shows that within the vicinity of both junctions, there have been a total of 61 accidents at both junctions. Of these 61 accidents, none were classified as fatal, whilst 4 were classed as serious with 57 classed as slight in severity.
- 3.16. The Scheme will improve the ‘whole life’ safety record at M27 Junction 8 and Windhover Roundabout.
- 3.17. The Scheme, upon completion of Stage 3 Preliminary Design was forecast to reduce the number of casualties by; 2 fatal, 35 serious, and 281 slight, from the COBA-LT analysis undertaken during Stage 3. This is over the TAG requirements for a 60 year appraisal period.
- 3.18. During Stage 5 Detailed Design, layout changes were proposed, as detailed in the Details of Design Changes between PCF Stage 3 and Stage 5 (Section 2, Page 2, [CD.A.10]) and traffic modelling was undertaken.
- 3.19. The COBALT analysis of the scheme accident forecast has been updated to reflect the revised Stage 5 layout.

- 3.20. The Scheme, upon completion of Stage 5 Detailed Design is forecast to reduce the number of casualties compared to the Do Minimum (No scheme test) by; 3 fatal, 51 serious, and 373 slight, from the COBA-LT analysis undertaken during Stage 5. This is over the TAG requirements for a 60 year appraisal period.
- 3.21. This represented an improved level of accident savings than that identified in the Stage 3 assessment.

Facilities for Non-Motorised Users (“**NMU**”), Pedestrians, Cyclists and Equestrians

- 3.22. There is poor connectivity and a lack of safe shared facilities for pedestrians and cyclists around Windhover Roundabout and M27 Junction 8 from Hamble Lane to Hedge End.
- 3.23. Improved NMU provision, for Pedestrians, Cyclists and Equestrians, will provide the opportunity for non-vehicular users to gain improved, safe, access to the surrounding area. Existing Pedestrian, Cyclist and Equestrian paths around Windhover Roundabout will need to be closed to facilitate construction works. Given the nature of the proposed construction phasing, an alternative route will be provided at all times, allowing pedestrians to make use of other paths to cross the roundabout.
- 3.24. The Scheme will not impact existing rights of way, and access to the local bus network will be maintained throughout construction and operation of the Scheme. However, the new paths and crossings for Walkers, Cyclists and Horse Riders would improve access around the junctions for those users. This will enhance non-motorised vehicular links between communities by improving access and also help meet one of the Scheme’s objectives on maximising sustainable travel opportunities.

Air Quality

- 3.25. Poor air quality associated with vehicle emissions is also currently an issue within the local area although the site is not within an Air Quality Management Area (“**AQMA**”). The local authorities are keen to make improvements to encourage more sustainable modes of transport such as walking, cycling or public transport in an effort to improve air quality and health.
- 3.26. The Scheme improvements will help alleviate traffic congestion which will benefit the community in terms of better air quality for local residents. The proposed Scheme, both Stage 3 and Stage 5, is predicted to have both beneficial and adverse impacts on the sensitive receptors that were modelled. The majority of the human and ecological receptors modelled are predicted to experience a beneficial effect. For all modelled locations, the effects would not be significant. This is driven by a combination of factors; more traffic is attached to the M27 J8 area as the Scheme increases capacity and relieves congestion in the local area. Equally, the introduction of traffic signals imports delays in the off peaks which would not otherwise be the case under free flow conditions. For the specific sensitive receptor (No.11), this combination of more traffic, proximity to the carriageway and delays introduced in the off peak as a result of the traffic signals, is driving this small adverse impact.
- 3.27. As set out in the EAR (Paragraph 5.9.3, Page 52, [CD.B.1]), there are no predicted exceedances of the annual mean PM10 AQO in both the DM and DS scenarios in 2021 at any of the receptors located within the study area. Overall there are no residual significant environmental effects.

3.28. As set out in Air Quality Review of Design Change Option (Paragraph 4.1.1, Page 5, CD.B.15]) implementation of the Stage 5 proposal is not predicted to result in air quality changes which would alter the conclusions reached in the air quality assessment contained in the EAR. Overall the outcome of no residual significant environmental effects remains.

Economic Considerations

3.29. The M27 Junction 8 and A3024 Bursledon Road serve as one of the main corridors into the city of Southampton. However, due to congestion a large proportion of traffic is diverted to the M27 between Junction 8 and Junction 5 as an alternative route into the city centre via the A335.

3.30. If the congestion in and around the M27 Junction 8 remains unaddressed local growth in housing and employment will be negatively impacted. Analysis of the forecast year transport models (Paragraph 6.4.17, Page 71, Transport Forecasting Package [CD.B.23]) identified that in the “Do Minimum” scenario (i.e. without the Scheme), significant capacity restraints and delays are forecast in both directions of the A3024 Bert Betts Way.

3.31. The implications of this is that without the Scheme being constructed, there is a lower level of resilience (in capacity terms) in the local network, thus limiting the attractiveness of the delivery of housing and employment opportunities in the local area. National Highways, SCC, HCC and EBC have all identified that improvements are necessary to reduce congestion and ensure that delays do not compromise potential future economic growth in the sub-region.

3.32. At the M27 Junction 8 junction capacity and delay analysis of the existing road layout indicates that in general there is a decrease in volume over capacity (V/C) (a comparison of traffic Volume against available Capacity in % terms, where 100% represents the situation where demand exceeds available capacity and as a result, congestion, delays and significant queues would be expected to result) with an increase in delays at stop lines for the approaching arms of M27 North, Dodwell Lane and M27 South.

3.33. As a result of the Stage 5 design, there is a decrease in V/C due to the increase in entry lanes (2 to 3) and an increase in delay caused by the signalisation of the junction as traffic needs to be queued at the stop line to wait for the green period. There is also a decrease in both V/C and delay on Bert Betts Way EB approach which is in line with expectation as the scheme prioritises the main traffic flow through the two junctions. All approaches are predicted to operate under the 85% V/C threshold across all three forecast years in the DS scenario (it is generally accepted that any given junction will start to experience congestion beyond a V/C of 85%).

3.34. On the Windhover roundabout, the Stage 5 design provision of the extra entry lane on A27 West End Road and A27 Providence Hill results in decrease in V/C while the signalisation of the two approaches causes some slight increases in delay. A prominent decrease in both V/C and delay on Bert Betts Way WB approach is again to do with the scheme which prioritises traffic entering into the roundabout from this approach over other approaches.

3.35. Overall, the Windhover roundabout is predicted to operate satisfactorily with all approaches’ V/C under 85% threshold in the three forecast years’ DS scenario. In the absence of the scheme, and without addressing the capacity limitations of the Windhover and M28 Junction 8 roundabouts, then the existing levels of congestion and

delay would be expected to increase with capacity exceeding 100% on the Bert Betts Way approaches to both roundabouts in 2021.

3.36. The Local Transport Plan ("LTP") for Hampshire (Paragraph 2, Page 9, [CD.G.3]) demonstrates the importance of the transport network to achieving sustainable long-term economic growth. In respect of the M27 the plan states that: *"Over the 20-year period of the strategy element of this LTP, the County Council fully expects the private car, which provides unparalleled freedom, choice and flexibility, to remain the dominant form of transport across most of the county. Our emerging priorities, set out in Chapter 2, reflect this expectation. However, as economic growth recovers in the period to 2031, traffic congestion is forecast to increase substantially, beyond the official peak capacity of busy Hampshire road corridors such as the M3 or M27. If this happens, motorists will need to find ways to adapt to the kinds of delays currently seen in more congested parts of the United Kingdom; and to maximise capacity it may be necessary to introduce active traffic management measures that have proved successful in keeping congestion at tolerable levels. Meanwhile, other parts of Hampshire that currently do not experience congestion may start to see it becoming noticeable during the period".*

4. Traffic and Economics

- 4.1. The assessment of traffic impacts of the Scheme has been undertaken using a local operational transport model, derived from a regional strategic model, developed specifically for the study. Detailed information on the development of the model and the assessments of the Scheme is set out in the following key documents:
- 4.2. Preliminary Design
 - a) Stage 3 Transport Forecasting Package [CD.B.11]
 - b) Stage 3 Transport Modelling Package [CD.B.12]
- 4.3. Detailed Design (ongoing)
 - a) Stage 4 (incorporating Stage 5) Transport Forecasting Package [CD.B.23]
 - b) Stage 4 (incorporating Stage 5) Transport Modelling Package [CD.B.22]
- 4.4. The traffic modelling and economic assessment has been undertaken by a team of specialists working in collaboration with the design engineers and environmental assessment team.
- 4.5. Whilst the model demands (number of predicted car journeys) were not changed from Stage 3 to Stage 5 traffic modelling, the TAG Guidance (economic assessment measures of time and value defined annually by the DfT and applied to the economic analysis of the scheme) and the proposed Scheme layout were updated.
- 4.6. A Proof of Evidence by Alasdair Sim – Traffic and Economics [NH/1/2] has been produced that describes the development of the transport modelling tools used at Stage 3 and Stage 5 to evaluate the proposed scheme, and describes the findings from the transport forecasting exercise which focussed on the changes in transport operations in the vicinity of the proposed scheme, post construction, as well as the estimated implications on the local transport system should the scheme not be progressed.

Benefits of the Scheme

- 4.7. The National Planning Policy Framework (“**NPPF**”) 2021 (Paragraph 8a, Page 5 [CD.F.1]) has an overarching economic objective which states that in order to achieve sustainable development, development should “*...help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*”.
- 4.8. The proposed Scheme will positively contribute to economic growth by supporting residential development and employment opportunities through improved connectivity which would reduce journey times around M27 Junction 8 and Windhover Roundabout.
- 4.9. Once completed it is anticipated that the proposed Scheme will be of benefit and positively impact local business due to improved connectivity allowing residents to reach places of employment through the provision of non-motorised user facilities.
- 4.10. The economic assessment of the Scheme (presented in the Economic Appraisal Package ([CDB.24]) includes a monetised assessment of its benefits. In line with the

Treasury's Green Book, to ensure consistency and to account for inflation, all monetised impacts are baselined at 2010 market prices. At each stage of assessment, the present year market prices were used then a discount was applied to undertake a comparison based on 2010 marked prices.

- 4.11. The analysis of monetarised cost has shown that the travel time benefits are the largest impact and amount to £17.15m. The Scheme also produces a net Vehicle Operating Cost benefit of £1.12m. Vehicle Operating costs include fuel and nonfuel costs, where non-fuel costs include oil, tyres, vehicle maintenance and mileage-related depreciation. These is also a small user net benefit of £0.9m for user charges (there is a small reassignment from the A3025 to A3024 corridor which reduces the flows on the toll bridge). Analysis of the travel time benefits by trip purpose indicates that 42% of the benefits come from business trips, 45% are associated with commuting trips and 13% with other trips. This is consistent with the location and purpose of the Scheme – to improve access to Southampton on one of the main commuting routes. The economic analysis undertaken during Stage 5 estimates a Present Value of Benefits of £29.67m (in 2010 prices discounted to 2010 as prescribed by TAG) over the 60-year assessment period. Of this £17.15m is related to savings in travel time between the Do Minimum and Do Something Schemes.
- 4.12. COBALT is the Department for Transport software used to estimate numbers of accidents, and their associated costs between the Do Minimum and Do Something Schemes. The results of the analysis show that there would be an overall decrease in accidents within the COBALT study area. There are predicted to be 3 less fatal casualties over the 60-year appraisal period from the year of opening with the Scheme in place, where the 0-year appraisal period is in line per TAG Guidance (economic assessment measures of time and value defined annually by the DfT). The monetary value of the overall change in accidents would be a benefit of £14.4m (2010 prices, discounted to 2010).
- 4.13. The monetary value of the increase in greenhouse gas emissions over the 60-year appraisal period is a disbenefit of - £0.384m. The Scheme is anticipated to lead to a small dis-benefit in air quality overall with a total value of the change in Air Quality as a dis-benefit of - £0.16m. These are driven largely by the speed limit changes and introduction of traffic signals which create additional delay in the off peak periods, though these do reduce congestion significantly at peak times.
- 4.14. In addition, there is predicted to be a dis-benefit from changes in noise levels, equating to -£0.6m over the 60-year appraisal period.
- 4.15. The results of the economic assessment for the Scheme in Stage 5 show the total established monetised impacts of the Scheme are £29.67m (PVB, 2010 prices and values).
- 4.16. When including additional welfare effects in line with TAG and applying a 10% uplift factor to the business and freight user benefits, this results in a further uplift in net benefits of £0.7m, giving an overall Present Value Benefit of £30.4m with a Benefit Cost Ratio (**BCR**) of 1.61.
- 4.17. The difference in BCR between the Stage 3 and 5 outcomes is a combination of the reduced scheme costs driven by the betterment of design during the detailed design process, and the savings in accidents over the assessment period. Minor savings in travel time also drive this.

5. Funding

- 5.1. As set out in the Statement of Reasons (Section 9, Page 40, [CD.A.7]), funding is available for the delivery of the Scheme.
- 5.2. This section of my Proof of Evidence explains the funding position in more detail, by reference to the relevant provisions of the Guidance on compulsory purchase process and the Crichel Down Rules (“the Guidance” [CD.F.13]).

The Guidance

- 5.3. The Guidance states at paragraph 14 that in preparing its justification, the acquiring authority should address:
 - a) **sources of funding** – the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the Scheme for which the land is required. If the Scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:
 - the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the Scheme; and
 - the basis on which the contributions or underwriting is to be made
 - b) **timing of that funding** – funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances would it be reasonable to acquire land with little prospect of the Scheme being implemented for a number of years.
- 5.4. Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice.

Capital Cost

- 5.5. National Highways’ estimating team uses three-point estimating and simulation to produce probabilistic range estimates of the outturn costs for projects. Plausible minimum, most-likely and plausible maximum estimates are made for all base estimate, risk / opportunity and inflation costs. These three-point estimates are simulated using Monte Carlo simulation to produce a probability distribution for the outturn costs.
- 5.6. The most-likely estimate is the mode (value that appears most often in a set of data values) from this resulting probability distribution, and aligns with the assessment of the baseline scope, schedule and risk / opportunity registers (as provided by the project team for a scheme solution at the point of producing the estimate).
- 5.7. Costs are estimated using National Highways’ established rate libraries, which store minimum, most-likely and maximum rates for labour, plant, materials resources and works’ items. These rates are regularly audited versus captured cost data held in National Highways’ Cost Intelligence System and are stored at a real terms price base (currently Q1, 2019). Costs are inflated using minimum / most-likely / maximum

inflation profiles agreed with ORR. The minimum and maximum point are estimated using the plausible minimum and plausible maximum scope, schedule and risk positions relative to the most likely scheme solution.

- 5.8. The most-likely point within the probabilistic range estimate of the outturn cost is mode value within the probability distribution and represents the current most likely outturn forecast (Anticipated Final Cost).
- 5.9. The Scheme has a most-likely cost estimate of £35.19 million, including a 13% allowance for risk and uncertainty and an 8% allowance for inflation at the date of application. This estimate includes all costs to deliver the Scheme from Options Stages through to opening for traffic. It includes an allowance for compensation payments relating to the compulsory acquisition of land interests. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973 and Section 10 of the Compulsory Purchase Act 1965.
- 5.10. The estimates for these items have been informed by land referencing activities, engagement of professional surveyors, and information received from consultation and engagement with parties having an interest in the land.
- 5.11. National Highways has been, and will continue to be, responsible for all preparation costs associated with the Scheme. These may include items such as design costs, legal costs, land acquisition costs, advance payments to statutory undertakers and surveying costs.
- 5.12. The estimate has been prepared in accordance with National Highways procedures and, in combination with the approved budget, provides sufficient cost certainty to enable National Highways to confirm the viability of the Scheme.

Sources of Funding

- 5.13. National Highways is a government owned company and is responsible for operating, maintaining and improving the strategic road network in England. These responsibilities include the acquisition, management and disposal of land and property in relation to strategic road network improvement projects, together with the payment of compensation related to these activities. National Highways is responsible for delivering the major projects included in RIS1 and subsequently in RIS2.
- 5.14. A commitment to undertake improvement works at M27 Southampton Junction 8 was included in RIS1, published in December 2014 (last bullet point, Page 45, [CD.F.3]). RIS1 pledged some £15 billion of capital investment to deliver 127 major schemes over the course of the first Road Period. The RIS1 Investment Plan published alongside RIS1 confirmed the commitment to carrying out improvements at Junction 8.
- 5.15. In March 2015 National Highways published its first Delivery Plan for the period 2015-2020 (CD.F.7]), setting out how it intended to deliver the commitments made in RIS1. The Delivery Plan confirmed the commitment to delivering the Scheme (Paragraph 5, Page 22, [CD.F.7])
- 5.16. National Highways has since published updates to the Delivery Plan. The successive updates have maintained Highway England's commitment to delivering the Scheme and has demonstrated the continued availability of funding.
- 5.17. The Scheme was reconfirmed as committed in RIS2, published in March 2020 where the RIS2 pledges £27.4 billion of capital investment during Road Period 2 (2020 – 2025). The Scheme is identified as one of the schemes that is 'committed' for Road

Period 2, meaning that funding is committed and construction is expected to start by 1 April 2025 (2nd of last bullet point, Page 104, [CD.F.4]). The Statement of Funds Available which forms part of RIS2 outlines the resources available to National Highways in delivering the outputs listed in the Investment Plan and confirms that National Highways will receive £27.4 billion in funding during Road Period 2 (Table, Page 104, [CD.F.4]).

- 5.18. The Delivery Plan for 2020-2025 (CD.F.8]) was published in August 2020. It sets out how National Highways intends to deliver the commitments made in RIS2 and invest the £27.4 billion of government funding during Road Period 2. The Delivery Plan reconfirms the commitment to delivering the Scheme as one of the enhancement schemes for which £14.2 billion of this funding has been allocated (last paragraph, Page 3, [CD.F.8]).
- 5.19. This committed government funding provides funding for the full estimated cost of the Scheme.

Blight

- 5.20. The term 'blight' refers to the reduction of economic activity or property values in a particular area resulting from possible future development, or restriction of development. Blight notices may be served by those with a qualifying interest in affected land.
- 5.21. To date no blight notices have been served in respect of the Scheme.
- 5.22. Should any future claims for blight arise as a consequence of the proposed compulsory acquisition of land, or rights in land, affected by the Scheme, the costs of meeting any valid claim will be met by National Highways.

6. Orders

- 6.1. The following paragraphs explain the purpose and effect of the Orders, which in the case of the Compulsory Purchase Order (CPO [CD.A.1]) and the Side Roads Order (SRO [CD.A.3]) have been made by National Highways and submitted to the Secretary of State for confirmation.
- 6.2. There are a number of statutory and other requirements for the making and confirmation of the Orders. These are stated below, together with a description of how the requirements are satisfied.

Side Roads Order

- 6.3. The SRO is made under Sections 18 and 125 of the Highways Act 1980 and will, if confirmed by the Secretary of State, authorise National Highways to:
 - a) improve lengths of the A3024 Bert Betts Way, A3024 M27 Junction 8 Roundabout, A3024 Windhover Roundabout, A27 West End Road, A3024 Bursledon Road, A3025 Hamble Lane, A27 Providence Hill, Peewit Hill Close, and C56 Dodwell Lane, largely by improvements within existing highway confines, but with some small areas of localised widening on the A3024 Bert Betts Way and the C56 Dodwell Lane on their immediate approach and departure lengths from the A3024 M27 Junction 8 Roundabout and Bert Betts Way on its southern side and westbound approach to Windhover Roundabout;
 - b) stop up a private means of access to premises; and
 - c) provide two new means of access to premises.

Requirements

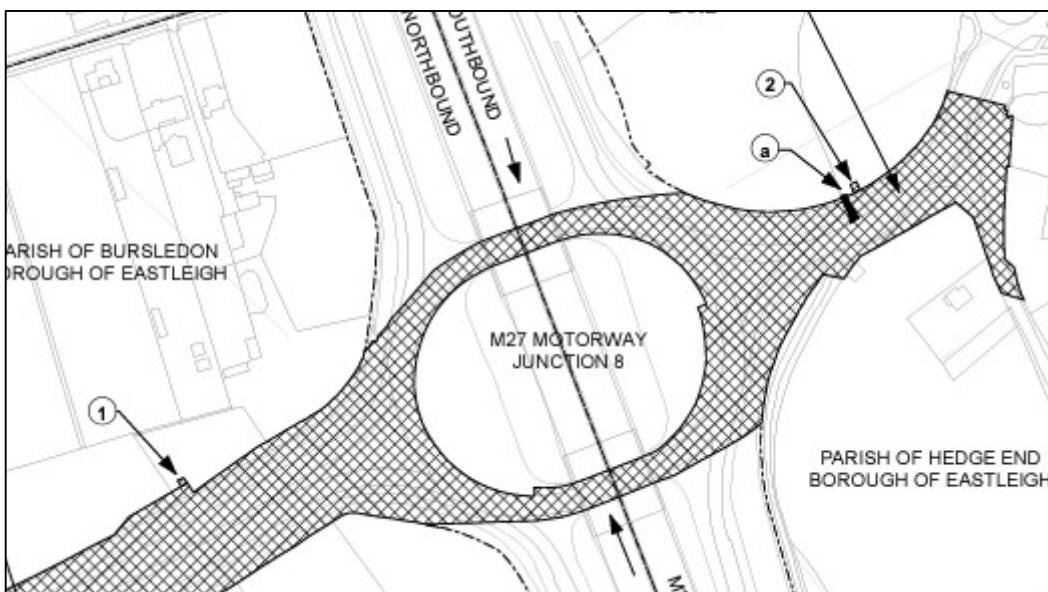
- 6.4. Where a SRO proposes to stop up a private means of access to premises, then the Secretary of State is unable to confirm the Order unless he is satisfied either (a) that no access to the premises is reasonably required (Section 125(3)(a) of the Highways Act 1980), or (b) that another reasonably convenient means of access to the premises is available or will be provided under the SRO or otherwise (Section 125(3)(b) of the Highways Act 1980).
- 6.5. The private means of access to be stopped up is to pasture land of the property 'Hillside' (Plot 11b, CPO Plans ([CD.A.2], Figure 6.1) ((a), SRO Plan [CD.A.3], Figure 6.2). National Highways is of the view that two of the three existing, reasonably convenient means of access to premises (land), will remain available off the C56 Dodwell Lane roundabout and off Peewit Hill Close, which serves what will be the remaining pasture land at this point. National Highways is of the view that Section 125(3)(b) of the Highways Act 1980 is satisfied, by current existing access arrangements as there are "other reasonable convenient means of access available to the premises".

Figure 6.1 Extract from CPO Plans [CD.A.2] Plot 11b



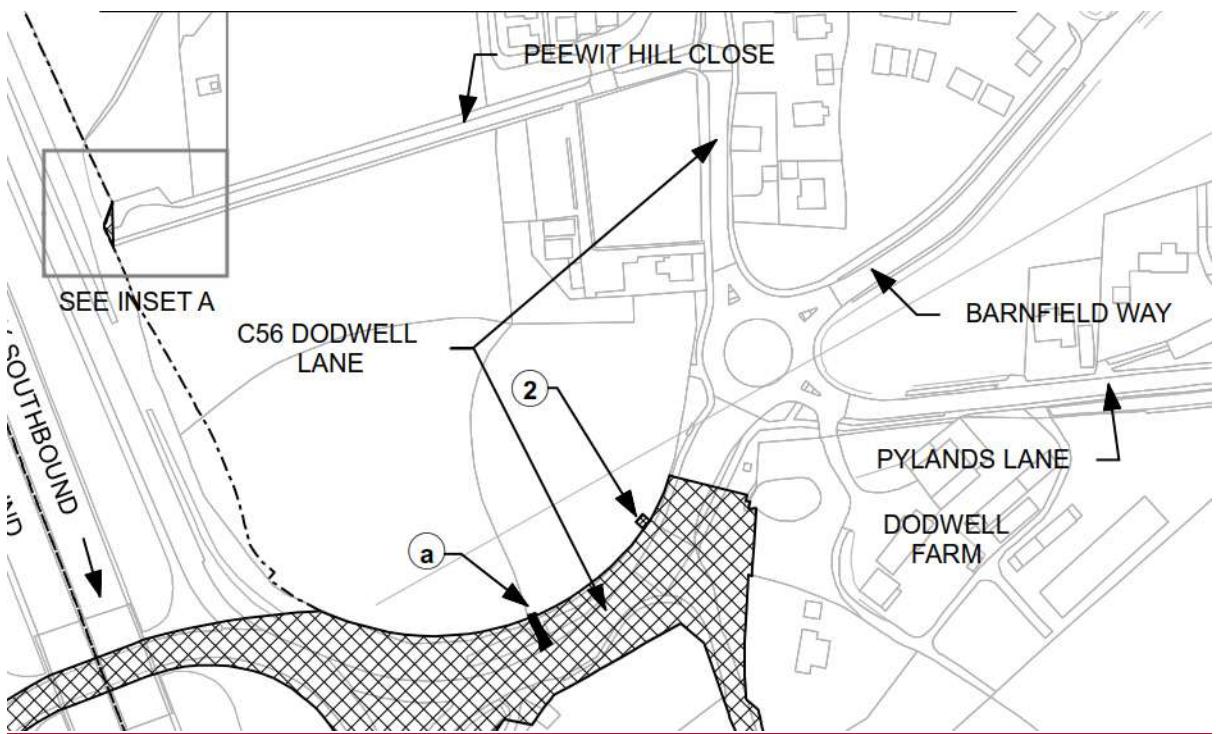
6.6. Two new private means of access to premises are proposed to access the flood attenuation basin areas, one located to the north west of M27 Junction 8 and north of the A3024 Bert Betts Way, and the other on the north east side of the M27 Junction 8 and north of the C56 Dodwell Lane and are intended for National Highways use in relation to the construction and maintenance of the basins and, in relation to the basin to be located to the north west of M27 Junction 8, for the maintaining authority to access the rear of the A3024 Bert Betts Way carriageway retaining wall and its highway verge margin behind, for the maintenance of the wall. See Figure 6.2.

Figure 6.2 Extract from SRO Plan [CD.A.3]



6.7. As the design has been progressed, it has been identified that a modification to the location of point 2 on the made Side Roads Order [CD.A.3] would be required as set out in the document named "Changes to M27 J8 Orders" circulated on 14 April 2022. The result of this is that the access marked as Point 2 would be moved approximately 45m north east to a position as shown on Figure 6.2a below.

Figure 6.2a Extract of SRO Plan [CD.A.3] with proposed modification



Compulsory Purchase Order

6.7.6.8. The CPO Guidance also sets out the six stages of the compulsory purchase order process:

- a) Stage 1 Choosing the right compulsory purchase power;
- b) Stage 2 justifying a compulsory purchase order;
- c) Stage 3 preparing and making a compulsory purchase order;
- d) Stage 4 consideration of the compulsory purchase order;
- e) Stage 5 implementing a compulsory purchase order;
- f) Stage 6 compensation

6.8.6.9. The public inquiry to which this Proof of Evidence relates is part of Stage 4. Stages 5 and 6 would follow if the CPO is confirmed by the Secretary of State.

6.9.6.10. The fundamental principles that the Secretary of State will take into account in deciding whether or not to confirm a compulsory purchase order are set in 'Guidance on Compulsory purchase process and The Crichel Down Rules' (CD.F.13]).

6.10.6.11. The requirements are that:

- a) A compulsory purchase order should only be made where there is a compelling case in the public interest (paragraphs 2 and 12) (Compelling case).
- b) The Secretary of State will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the order by agreement (paragraph 2) (Last resort).

- c) The purposes for which the compulsory purchase order is made must justify interfering with the human rights of those with an interest in the land affected, with particular consideration to be given to the provisions of Article 1 of the First Protocol and, in the case of a dwelling, Article 8 of the European Convention on Human Rights (paragraph 12) (Human rights).
- d) The Secretary of State will consider each case on its own merits. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but the Secretary of State will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time (paragraph 13) (Land required now).
- e) An acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire (paragraph 13) (Intended use).
- f) An acquiring authority should be able to show that all the necessary resources are likely to be available within a reasonable time-scale (paragraph 13). The acquiring authority should address sources of funding and the timing of that funding as part of its justification (paragraph 14) (Funding).
- g) The acquiring authority will need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation (paragraph 15) (No impediments).

6.11.6.12. The purpose for which each plot of land, within the CPO, is required is described in the Statement of Reasons (Appendix A, CD.A.7]).

Stage 1 Choosing the right compulsory purchase power

6.12.6.13. In relation to Stage 1 of the compulsory purchase order process the CPO Guidance advises acquiring authorities to use the most specific power available for the purpose in mind and to have regard to any guidance related to the use of the power.

6.13.6.14. The CPO was made under Sections 239, 240, 246 and 260 of the Highways Act 1980 and under Section 2 of the Acquisition of Land Act 1981.

6.14.6.15. National Highways is content that the scope of the powers sought and the extent of the interests in the land and new rights to be acquired by compulsory acquisition are sufficient to enable the delivery of the Scheme, whilst also being the minimum necessary that will enable the Scheme to be delivered and achieve required objectives.

6.15.6.16. The CPO includes both the right to acquire compulsorily both land and new rights (e.g. for continuing access such as future maintenance and inspection). The land and new rights would enable the construction and operation of the highway (including drainage outfalls) as well as enabling the respective authorities to undertake future maintenance of the road.

6.16.6.17. A few plots are only required on a temporary basis (Plots 2, 8a and 9g as shown on CPO Plan, [CD.A.2]) e.g. for working space, or for construction-related purposes; however, where this is the case, the land has been included in the CPO (with the effect being that it would be acquired). This approach is a contingency measure, to be deployed in the event that temporary use of the land cannot be secured by agreement, and noting that, although such land is not required by the Scheme in perpetuity, there are currently no statutory powers which would enable National Highways to take only temporary possession of land for the purposes of constructing the Scheme. The

Scheme could not be built without such land and it is therefore a necessity to deliver the scheme.

6.17.6.18. Following construction of the Scheme, if National Highways disposes of any land which was acquired permanently but required only for the construction period, it will do so in accordance with the CPO Guidance and the Crichel Down Rules.

Stage 2 Justifying a compulsory purchase order

6.18.6.19. The CPO Guidance advises acquiring authorities how the confirming minister, in this case the Secretary of State for Transport, will consider each case on its merits but will expect acquiring authorities justify certain matters.

6.19.6.20. These matters are, in summary:

- a) Paragraph 2 of the CPO Guidance which explains that: "Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest" (this test is re-iterated in paragraph 12)
- b) Paragraph 13 – acquiring authorities should demonstrate they have a clear idea of how it intends to use the land and must show that the necessary resources are available to it to achieve that end within a reasonable time scale;
- c) Paragraph 14 – acquiring authorities should provide substantive information on the sources of funding for the acquisition of land and the implementation of the scheme, and that such funding will be available at the appropriate times
- d) Paragraph 15 – acquiring authorities should demonstrate that the scheme is unlikely to be blocked by any physical (such as the programming of any infrastructure accommodation or remedial works which may be required) or legal impediments (such as the need for planning permission or any other consent or licence) to implementation.

Compelling case (paragraphs 2 and 12)

6.20.6.21. As set out in Section 3 of this document, there is a strong strategic case for the Scheme supported by robust evidence that provides the rationale for why improvements to the M27 Junction 8 and Windhover roundabouts is in the public interest. The key arguments relate to relieving congestion and safety concerns along the strategic road network, relieving congestion on local roads to encourage traffic to use Junction 8 rather than Junction 5 and to provide capacity for future residential and economic growth forecast in the area.

6.21.6.22. The case for the Scheme is based upon the delivery of four primary objectives:

- Improving safety for all
- Reducing congestion and journey times along the M27 Junction 8 and Windhover Roundabout. Improving journey time reliability and connectivity between east and west of the M27 Junction 8 – Windhover Roundabout.
- Maintaining air quality by reducing congestion and journey times along the M27 Junction 8 and Windhover Roundabout.

- Delivering minor capacity enhancements to the strategic road network, M27 Junction 8 slip roads, whilst supporting the safe, accessible use of active travel modes for pedestrians and cyclists.

6.22.6.23. In achieving these objectives, National Highways considers that the Scheme would facilitate significant economic growth by increasing capacity at both the Junction 8 and Windhover roundabouts, reducing congestion and delays and improving journey times through both roundabouts and by reducing the accident frequency on the strategic road network without any significant long term environmental impacts.

6.23.6.24. These improvements support future housing and economic development in the area which otherwise may not be served by appropriate highways infrastructure. Furthermore, the provision of non-motorised user facilities provide connectivity between the east and west of the M27 Junction 8 to Windhover roundabout.

6.24.6.25. National Highways, through the economic assessment of traffic, environmental and safety impacts for the Scheme have determined that the Scheme delivers economic benefits (including wider economic benefits) of £30.4m and has a BCR (benefit to cost ratio) of 1.61.

6.25.6.26. National Highways have a commitment to deliver the Scheme within RIS2 and therefore to complete on-site works by March 2025. The delivery of this Scheme is important to relieve existing capacity, congestion and safety issues to enable economic growth in the region in line with local planning policies.

6.26.6.27. In order to meet this commitment, the confirmation of the Orders is required in the early part of 2022 to ensure that the necessary land interests have been secured and the Scheme can start in full later in 2022 and be complete before March 2025.

6.27.6.28. Without the confirmation of the CPO, the Scheme would not go ahead, the land to be acquired is essential to delivery of the scheme. The consequence of this is increased journey times, increased congestion and delays, and less capacity resulting constrained economic growth in the region.

6.28.6.29. In addition, and importantly, the CPO is required to assemble various plots of land in unknown ownership, for which there is no other option than compulsory acquisition.

6.29.6.30. As explained above, National Highways has considered the negative effects that its pursuance of compulsory purchase powers would have upon those with an interest in the land required for the Scheme, and has weighed those private losses against the benefits that the Scheme would bring.

6.30.6.31. Having carried out that balancing exercise, National Highways believes that the public benefits of reduced congestion and delays, improved safety and journey times and the resulting enabled growth outweigh the private losses and that, on that basis, there is a clear and compelling case in the public interest which would justify the use of compulsory purchase powers. As such, National Highways considers that the tests in paragraphs 2 and 12 of the Guidance – which state that a compulsory purchase order should only be made where there is a compelling case in the public interest - are met.

Use of the land (paragraph 13)

6.31.6.32. National Highways will be using the land for the construction of the Scheme and therefore has a clear idea of how it intends to use all the land included in the CPO. This is set out on a plot by plot basis in Appendix A of the Statement of Reasons

(Appendix A, CD.A.7]). As such, National Highways considers that the test in paragraph 13 of the CPO Guidance is met.

Funding (paragraph 14)

6.32.6.33. As set out in Section 5 of this document; the most likely estimated cost of the Scheme is £35.19m. This includes an allowance for compensation payments relating to the compulsory acquisition of land interests, design, management and supervision costs, construction works costs, risk allowance and inflation allowance. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973 and Section 10 of the Compulsory Purchase Act 1965.

6.33.6.34. The funding for the project is secured through the government's commitment to RIS2, where RIS2 pledges £27.4 billion of capital investment during Road Period 2 (2020 – 2025). The Scheme is identified as one of the schemes that is 'committed' for Road Period 2, meaning that funding is committed and construction is expected to start by 1 April 2025.

6.34.6.35. The Statement of Funds Available which forms part of RIS2 outlines the resources available to National Highways in delivering the outputs listed in the Investment Plan and confirms that National Highways will receive £27.4 billion in funding during Road Period 2.

6.35.6.36. The Delivery Plan for 2020-2025, published in August 2020, sets out how National Highways intends to deliver the commitments made in RIS2 and invest the £27.4 billion of government funding during Road Period 2. The Delivery Plan reconfirms the commitment to delivering the Scheme as one of the enhancement schemes for which £14.2 billion of this funding has been allocated.

6.36.6.37. As a result National Highways can confirm that all the necessary funding will be available for the Scheme to proceed at the necessary time and that the test in paragraph 14 of the CPO Guidance is met.

Impediments (paragraph 15)

6.37.6.38. As is set out in Section 7 of this document, Scheme works within highway are not defined as 'development' needing permission in Section 55 of the Town and Country Planning Act 1990. The remainder of the works can be delivered using the permitted development rights of National Highways given under Part 9b of the Town and Country Planning (General Permitted Development) Order 1995.

6.38.6.39. There is no requirement for development consent. The Scheme is an "improvement" and therefore uses improvement powers found in the Highways Act 1980 to increase capacity and improve the function of the junction and slip roads.

6.39.6.40. The Scheme has demonstrated, in the outcome of the Environmental Impact Assessment, that no specific environmental effect was assessed as being significant. As a result, the improvement Scheme does not require development consent in that it does not meet the criteria under section 22(5) of the Planning Act 2008.

6.40.6.41. As a result, there is no legal impediment, in the form of a planning impediment, to implementing the Scheme. Neither are there any other planning related consents or licenses needed; relating for example, to listed buildings, scheduled monuments or conservation areas.

6.41.6.42. With respect to Plot 11a, as explained in Paragraphs 4.3-4.13 of Proof of Evidence by Clare Williams [NH/8/2] the impact of purchasing land from Plot 11a on the planning

permission for the link road does not present any legal impediment to the improvement Scheme being able to be implemented as intended.

6.42.6.43. Discharge consents, ecological consents (if required) and waste management licences will be applied for during the detailed design and construction stages of the Scheme. This is a standard approach that ensures that the level of granular detail required to apply for such consents is available. National Highways does not consider the grant of such consents in due course to represent a likely impediment to the Scheme.

6.43.6.44. As such, National Highways considers it has met the test in paragraph 15 of the CPO Guidance.

Stage 3 Preparing and making a compulsory purchase order

6.44.6.45. The CPO Guidance advises acquiring authorities of

- a) Paragraph 17 – the benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order;
- b) Paragraph 18 – on the use of alternative dispute resolution techniques;
- c) Paragraph 19 – on the steps to be considered to help those affected by a compulsory purchase order;
- d) Paragraph 20 – on the importance of making a compulsory purchase order correctly;
- e) Paragraph 21 – on the protection afforded to special kinds of land, the acquisition of new rights and on the restrictions on the compulsory purchase of Crown land;
- f) Paragraphs 22 and 23 – on the parties to be notified of the making of a compulsory purchase order and on objections;
- g) Paragraphs 24 and 25 – on seeking advice from the confirming department and on the documents to be submitted when seeking confirmation.

6.45.6.46. In relation to paragraphs 17, 18 and 19 of the CPO Guidance; the National Highways has sought to discuss the Scheme and negotiate the voluntary acquisition of the interests in land required for the Scheme, with those affected by the compulsory purchase order. This is discussed in detail in Proof of Evidence by Gavin Tremeer [NH/7/2].

6.46.6.47. In relation to paragraph 20 of the CPO Guidance, National Highways has taken care to ensure that the CPO has been drafted correctly and the confirming department has not identified any deficiencies in the form of the CPO that would prevent it from being confirmed, following its submission for confirmation.

6.47.6.48. In relation to paragraphs 22 to 25 of the CPO Guidance, National Highways considered that it notified all qualifying persons of the CPO known to it following the Scheme's diligent enquiries and the CPO was accompanied by the correct documentation when it was submitted to the Department for Transport for confirmation.

Compatibility with the European Convention on Human Rights and the Human Rights Act 1998

6.48.6.49. As is set out in more detail in Section 15 of National Highways Statement of Case; the Orders have the potential to infringe the Convention Rights of persons who hold

interests in the CPO Land and who are affected by the stopping up of private means of access pursuant to the SRO. Under Article 1 of the First Protocol and under Article 8, such an infringement is authorised by law provided that:

- a) the statutory procedures for making the Orders are followed and there is a compelling case in the public interest for the making and confirmation of the CPO; and
- b) the interference with the Convention right is proportionate to the legitimate aim served.

6.49.6.50. The compelling case in the public interest for making and confirming the Orders is summarised above in Paragraphs 6.20-6.30 of this document.

6.50.6.51. National Highways has considered carefully:

- a) the need for the Scheme and the public benefits it would bring as set out in Section 3 of this document and Proof of Evidence by Alasdair Sim [NH/1/2].
- b) the nature of the Scheme's interference with affected private rights as referenced in Section 15 of National Highways Statement of Case [CD.A.8].

6.51.6.52. Having had regard to the Convention and the Human Rights Act 1998, National Highways does not consider that any single affected interest is of such importance as to outweigh the important public benefits which the Scheme is forecast to deliver, in the event that the Orders are confirmed by Secretary of State and implemented by National Highways.

6.52.6.53. Furthermore, National Highways does not consider that the cumulative private loss would be of such magnitude or severity as to outweigh the importance of the public benefits which the Scheme would deliver.

6.53.6.54. National Highways considers that the proposed compulsory purchase of land and rights over land is:

- a) legitimate – in that if authorised by a confirmed CPO, the acquisition would be lawful;
- b) necessary – in that there is a need for the Scheme and land in the CPO is required to be acquired to enable the Scheme to come forward in the form provided for in the SRO; and
- c) proportionate – in the context of the balancing exercise.

6.54.6.55. Any infringement of the Convention Rights of those whose interests are affected by the Orders is considered by National Highways to be proportionate and legitimate and in accordance with domestic and retained European law.

7. Planning

- 7.1. Works within highway are not defined as ‘development’ needing permission in Section 55 of the Town and Country Planning Act 1990. The remainder of the works can be delivered using the permitted development rights of National Highways given under Part 9b of the Town and Country Planning (General Permitted Development) Order 1995.
- 7.2. There is no requirement for development consent. Paragraph 4.1.3 of the Statement of Reasons [CD.A.7] referred to the Scheme as an “alteration” for the purposes of Section 22 of the Planning Act 2008. It should not have done so. The Scheme is an “improvement”. This is because it uses improvement powers found in the Highways Act 1980 to increase capacity and improve the function of the junction and slip roads; principally by widening to create additional lanes, without altering the route of the traffic away from the existing prevailing alignment of the highway.
- 7.3. National Highways (then Highways England) had previously determined under section 105A of the Highways Act 1980 (Screening of projects for constructing or improving highways), that the Scheme need not be subject to a statutory environmental impact assessment. This was because it was determined there would not likely be significant effects on the environment; taking account of the characteristics and location of the development, and the type and characteristics of the potential impacts.
- 7.4. The lack of significant environmental effects from the improvement Scheme has since been demonstrated in the outcome of the assessment set out in the Scheme’s non-statutory Environmental Assessment Report (“EAR”), in which no specific environmental effect was assessed as being significant. As a result, the improvement Scheme does not require development consent in that it does not meet the criteria under section 22(5) of the Planning Act 2008.

8. Environmental Assessment

- 8.1. An Environmental Assessment Report [CD.B.1], Environmental Masterplan (Sheets 1, 2 and Amended to suit Flood Compensation areas) [CD.B.4] and Environmental Impact Assessment – Notice of Determination [CD.B.3], summarising the environmental impact of the Scheme were published with the Orders on 16 April 2021.
- 8.2. Stage 5 Air Quality Technical Note [CD.B.15] and Stage 5 Noise Technical Note [CD.B.16] were subsequently made available prior to the Public Inquiry on 8 October 2021 to demonstrate that proposed Stage 5 design changes are not expected to result in noise or air quality changes which would alter the conclusions reached in the EAR.
- 8.3. As set out in the Environmental Impact Assessment – Screening Determination (Section C, Page 9, [CD.B.14]), and reproduced below, the following paragraphs summarise the key effects for each environmental topic, including any mitigation relied upon to reduce effects.
- 8.4. **Air quality** – Construction activities could cause a deterioration of air quality due to dust emissions around the construction site and access routes. However, with the implementation of standard best practice, the impact of dust would not be significant. During operation, the proposed Scheme would change pollutant concentration levels at sensitive receptors within the affected road network due to changes in traffic flow and distribution on the road network. Detailed air quality modelling has shown that none of the modelled receptors exceed the Air Quality Objective for NO₂ in the Do Minimum (DM) or Do Something (DS), with all changes in concentration between the DM and DS predicted to be either small or imperceptible (except for one human receptor out of fifty-four which would experience a medium change of 3 µg/m³ and is considered not significant). As such, the impact on air quality during operation would not be significant.
- 8.5. **Cultural heritage** – The proposed Scheme would have no significant effects on archaeological remains, historic buildings or historic landscapes. There could be potential impacts on unknown archaeological remains where works extend outside the highway boundary. It is not possible to assess the value of unknown archaeological remains, however, the impacts that would be experienced by any archaeological remains encountered is likely to be at a moderate magnitude of impact. As a consequence, this is unlikely to result in a significance of effects above a moderate level without mitigation in place. Undertaking an archaeological watching brief during construction would provide adequate mitigation and ensure that any archaeological remains present are identified, recorded and reported on, preserving the remains in record. With this mitigation in place, effects on unknown archaeology are unlikely to be significant, as the residual effect would be negligible to slight adverse.
- 8.6. **Landscape** – During construction there would be some localised adverse effects on views. These effects would be short-term, temporary, and reversible, and would be concentrated around areas of vegetation clearance. The proposed Scheme may have adverse effects on the local landscape character areas and their visual amenity. Highway vegetation removed due to the proposed Scheme would be replaced where possible by the planting of belts of woodland trees, shrub planting and hedgerows. In these areas the adverse effects may be locally significant at year 1 reducing by year 15 as mitigation planting matures. No residual significant effects on landscape character are anticipated. Some receptors may experience adverse visual effects as vegetation clearance opens views of the carriageway and vehicle movements. A 3m height environmental barrier would be introduced alongside the M27 westbound exit

slip close to the highway boundary, to provide screening between residential properties at the eastern end of Windmill Lane. No receptor would experience residual visual effects greater than slight adverse in the long-term. It is therefore considered that, with mitigation in place, the overall visual effects resulting from the proposed Scheme would not be significant.

- 8.7. **Biodiversity** – No impacts on designated and non-designated sites are anticipated from the proposed Scheme. There could be impacts on bats, birds, and reptiles from vegetation clearance during construction, however, with the application of best practice measures (e.g. avoiding works during breeding seasons), these impacts would be negligible. There would be a minor permanent loss of approximately 0.4 ha of mature and semi-mature semi-natural broadleaved woodland, mixed woodland and plantation broadleaved woodland from vegetation clearance. A biodiversity compensation and enhancement strategy has been created to mitigate for the loss of local habitats around the proposed Scheme. This would include woodland, hedgerow and wildflower planting, bat and bird boxes, and log pile refugia. The effect of this habitat loss has been assessed as slight adverse.
- 8.8. **Geology and soils** – There are potential impacts to human health, surface water and groundwater receptors from existing land contamination on site. Ground investigations were undertaken, the results of which showed there was little evidence of gross contamination in soils or groundwater (where encountered) throughout the site. Standard mitigation and good site practice measures (e.g. installing protective measures to ensure that drainage and surface water courses do not receive run-off from excavation works, stockpiles or spillages) would reduce potential effects on groundwater to slight adverse, and neutral for human health. Potential impacts during the operational phase are considered negligible.
- 8.9. **Material assets and wastes** – Given the scale and the nature of the proposed Scheme, the assessment has concluded that it is unlikely that the proposed Scheme would generate any significant effects on material assets and waste. However, construction of the Scheme would impact the demand for key construction materials, and the depletion of material resources. These impacts would be reduced by implementing resource efficiency (DfRE) principles throughout the detailed design and construction phases of the proposed Scheme. A Site Waste Management Plan (SWMP) and Materials Management Plan (MMP) would also be implemented to manage waste and materials during construction.
- 8.10. **Noise and vibration** – Most of the construction noise impacts can be mitigated through the use of standard mitigation and best practicable means. There is potential for significant effects during night-time works. As a consequence, additional mitigation is required for night-time works, including implementing a Section 61 consent to closely monitor and manage the construction noise during night-time. With this additional mitigation in place, residual effects are not anticipated to be significant. During operation, the noise modelling has indicated that the majority of noise sensitive receptors would experience no change or negligible noise increases as a result of the proposed Scheme. Some receptors would experience minor noise increases at the opening year (2021) and design year (2036), however, these effects are not considered significant as the increases in noise would be below 3 dBA. As a consequence, no operational noise mitigation has been considered.
- 8.11. **Population and health** – During the construction phase, temporary diversions and delays due to traffic management systems would increase disruption and journey length for road users. With the implementation of appropriate mitigation, such as providing advanced warnings, phasing works to minimise disruption during peak travel,

and installing temporary signage, the construction effects would be temporary and not significant. Once operational, there would be minor beneficial effects on traffic flow and journey times for traffic travelling to Southampton city centre from M27 junction 8, and minor dis-benefits for traffic traveling to junction 8 from local roads. These effects are unlikely to be significant. The proposed Scheme includes the provision of new paths and crossings for walkers, cyclists and horse riders. These new routes would enhance links between communities by improving access across M27 junction 8 and Windhovier Roundabout during operation. WCH crossings would also be signalised, which would improve safety.

- 8.12. **Road drainage and the water environment: - Highway Drainage:** Within the highway surface water runoff would be generated at an increased rate and volume than occurs at present due to an increase in the areas of impermeable surfaces. Mitigation in the form of attenuation basins, underground storage tanks, swales and ditches would attenuate flows and ensure the flood risk downstream of the proposed Scheme is not increased.
- 8.13. **Road drainage and the water environment: - Ordinary Watercourse:** Development in areas at risk of flooding around M27 junction 8 could increase flood risk upstream of the Scheme and also to the carriageway. This would be mitigated through provision of a flood wall and flood compensation areas. The Scheme is likely to lead to an increase in traffic flow, which would increase the pollutant levels in highway drainage. This could impact water quality in an ordinary watercourse east of M27 junction 8 due to an exceedance of the Environmental Quality Standard for Copper. This would be mitigated by including permanently wet drainage ponds and ditches, which are proven to remove soluble copper. With this mitigation, all effects on water environment receptors are anticipated to be neutral.
- 8.14. **Climate change** – The proposed Scheme would generate carbon during construction from the use of materials. The carbon emissions from this has been calculated as 5,698 tonnes of CO₂ equivalent. This embodied carbon would be reduced through the DfRE principles described in the material assets and waste section. During operation, carbon would be generated from vehicle movements due to changes in speed and traffic distribution on the road network. This has been calculated as 123 tonnes of CO₂ equivalent at the design year (2036 – taken to be the carbon emissions of the do-something scenario minus the emissions at the design year in the do-minimum scenario). The combined carbon emissions from the construction and operation phases of the proposed Scheme are considered not significant. The proposed Scheme would not affect the ability of the Government to meet its carbon reduction targets.
- 8.15. **Cumulative effects** – There are several other developments that are likely to be in construction during the construction phase of the proposed Scheme. This includes two housing developments, and the M27 Junction 4 to 11 Smart Motorways Project. There is potential for a cumulative impact on traffic disruption from the combined effect of construction vehicles on the road network, traffic management measures, and road diversions. It is assumed that the Contractor for the proposed Scheme would liaise with the Local Authority and other developers in the area when developing the Traffic Management Plan to coordinate traffic management measures. As such, no significant cumulative effects (either within scheme or with other developments) are anticipated from the proposed Scheme.

9. Delivery and Scheme Timescales

- 9.1. The Scheme has a DfT commitment to start construction by Q2 2021/22. Due to the Public Inquiry, National Highways will now not meet this commitment. It is not National Highways policy to include the works associated with a Public Inquiry within their baseline programme due to uncertainty as to whether they will happen. National Highways have issued a Change Control to the DfT with a revised Start of Works and are awaiting a response. Construction once started will take a period of 18 months. Work has already been delayed as a result of pursuit of agreement with landowners to avoid compulsory acquisition, but delivery of the project is now at risk without a CPO and any further delay will result in a delay to benefits gained from completion of the Scheme.
- 9.2. National Highways have a commitment to deliver the Scheme within the RIS2 roads period. In order to meet this commitment, the confirmation of the Orders is required in the early part of 2022 to ensure that the necessary land interests have been secured and the Scheme can start in full later in 2022.
- 9.3. A significant amount of work, including the carrying out of environmental assessment work, the preparation of the Orders and the procurement of various consultants and contractors, has been and continues to be carried out on the basis of these timings, which as far as the Applicant is concerned are firm, subject to the Orders being confirmed.
- 9.4. Although the Applicant already owns some of the Land, it is necessary for it to secure the ability to acquire all of the Land so that there is no impediment or delay to construction.
- 9.5. Any delay beyond 2022 will put National Highways' commitment at risk.

10. Supporters and Objectors

- 10.1. The Orders, together with other accompanying documents, were published on 16 April 2021 and the statutory objection period ran until 19 June 2021. By the end of the objection period, 5 statutory and 2 non-statutory objections had been received.
- 10.2. Since then three objections have been withdrawn and one statement of support received. In total now there is considered to be 3 statutory objections, 1 non-statutory objection and 1 statement of support.
- 10.3. This section summarises the objections, their key points and current status. Detailed responses to objections are included within the Statement of Case (Section 19, Page 66, [CD.A.8]) and Proofs of Evidence [NH/1/2 – NH/9/2]. Key communications with each named Statutory and Non-Statutory objector is recorded in the Statement of Case (Section 12, Page 48, CD.A.8]) and Proof of Evidence by Gavin Tremeer – Land Acquisition [NH/7/2].

Statements of Common Ground

- 10.4. National Highways has prepared a Statement of Common Ground for the following objectors to the Scheme.
 - Mr Carnell
 - Mr Keeling
 - Foreman Homes Ltd
 - Cranbury Estates
- 10.5. The Statement of Common Ground details each objection made by the objector, a response from National Highways and where possible outline areas of mutual agreement.

Supporters

- 10.6. There has been 1 letter of support, from Hampshire County Council.
- 10.7. As set out in Letter of support from Hampshire County Council dated 15 October 2021 [CD.H.4] Hampshire County Council wrote:

"I write to confirm our support for the above orders and to reinforce the importance of this scheme to Hampshire County Council.

The County Council are a key stakeholder for the scheme and have been working with National Highways (NH) (formerly Highways England) for a number of years to bring forward the improvements to Windhover Roundabout and M27 Junction 8.

The improvements that will be delivered as part of the NH improvement scheme are essential to help improve the operation of the local highway network, ensure that it is resilient to future demands, and that it is able to support sustainable economic growth in the area. The scheme will also provide very important new infrastructure for pedestrians and cyclists at both Windhover roundabout and M27 Junction 8, which will connect to and add value to committed investment in new cycle infrastructure by the County Council along the A27 Providence Hill and A3024 Bursledon Road, as part of the Southampton Transforming Cities Fund. Without the NH improvements at

Windhover roundabout in particular, there will be a key missing link in the local cycle network.

The County Council are aware of current issues of traffic congestion caused by the A3025 Hamble Lane / Portsmouth Road junction that are outside the scope of the M27 Southampton Junction 8 Improvement Scheme. The County Council has had plans to implement complimentary improvements on this northern section of the A3025 Hamble Lane for several years and has developed a preferred improvement scheme that has been subject to two separate public consultation exercises and was ratified by our Executive Member for Environment and Transport in March 2019. The County Council continues to seek potential opportunities to secure funding to deliver these improvements.

Congestion on Hamble Lane can make a significant contribution towards congestion at both Windhover Roundabout and M27 Junction 8, as well as vice versa with congestion at Windhover and beyond impacting the operation of Hamble Lane. It is for this reason, and others, that the County Council have always maintained that the improvements for Windhover, M27 Junction 8 and Hamble Lane are complementary, and that all are required in order to improve the operation of the highway network in the area.

It would severely weaken the benefits of the County Council's scheme for improving Hamble Lane, and therefore the prospects of securing funding, if the improvements to Windhover and M27 Junction 8 do not go ahead as planned. It would also significantly undermine the Hamble Lane Improvement scheme, which is addressing a long term issue of constrained access and egress to the Hamble peninsula if traffic seeking to exit Hamble Lane to the north was impeded by a congested and unimproved Windhover roundabout and M27 Junction 8."

Objectors

Statutory Objectors

- 10.8. **Withdrawn – SSE** wrote to the Department for Transport advising that they objected to the CPO and related SRO on that basis that they may impact their operational undertakings. If assurance was provided, that SSE's assets were protected through a legal agreement, their objection could be withdrawn.
- 10.9. Following a meeting with SSE (3 June 2021) and subsequent letter (4 June 2021) summarising that National Highways was complying with all Statutory processes, SSE withdrew their objection (30 June 2021).
- 10.10. **Withdrawn – South Gas Networks (SGN)** - wrote to the Department for Transport with “*..an objection on behalf of SGN in respect of the above Orders on the ground that its undertaking is adversely affected by the proposed acquisition of rights. SGN owns and operates low pressure and medium pressure gas apparatus within and/or in close proximity to the proposed limits of the Orders and reserves the right to produce additional and further grounds of objection when further details of the Orders and their effect on SGN's land interests have been considered...*”
- 10.11. We understand SGN wished to protect its position in light of existing apparatus which is both within, and in the vicinity of, both Orders' boundaries until an Asset Protection Agreement (**APA**) had been completed.
- 10.12. Following the production of an APA, signed by both SGN and National Highway, SGN withdrew their objection (14 October 2021).

10.13. **Cranbury Estates Limited and Wates Developments** – wrote to the Department for Transport saying “...The Cranbury Estates Limited and Wates Developments jointly object to the inclusion of Parcel 2 of Map 1 of 2 (page 5) in the CPO. More appropriate alternative locations for the works compound can be found and it is not necessary that Parcel 2 is included in the CPO.

10.14. Following discussion with National Highways and Cranbury Estates Limited, Cranbury Estates advised that they would remove their objection if National Highways removed Plot 2 from the CPO (Plot 2, CPO Plans, [CD.A.2]). Cranbury Estates advised that the mechanism through which they would remove their objection was for an Option Agreement to enter a temporary licence to be signed by both parties and once signed, for the DfT to provide confirmation that Plot 2 was removed from the CPO.

10.15. National Highways, through Graham Construction Ltd, have drafted an Option Agreement to enter into a temporary licence to be for the provision of the Plot 2 for a works compound. The Option Agreement has been signed by Graham Construction and is currently with Cranbury Estates for execution.

10.16. National Highways has issued a draft Statement of Common Ground, to seek to ascertain matters which are agreed between the parties, and narrow down areas of agreement, to Cranbury Estates and is awaiting a response for discussion to progress. The Statement of Common Ground has ~~not yet~~ now been signed and provided as a Core Document at [CD.K.2].

10.17. **Foreman Homes Limited** – Moore Barlow LLP, on behalf of Foreman Homes Limited, wrote to the Department of Transport saying “...We are instructed to write in objection to the CPO and SRO and objection is made on the following grounds.

- There is not a compelling case in the public interest for the CPO to be made

.... no explanation of how the benefits of the Scheme justify the use of compulsory powers in comparison to the infringement of human rights that occurs when a person's land is compulsorily acquired...
- No evidence of consideration of alternative options

... no explanation of how the design of this Scheme itself was developed and what other options were explored for the Scheme to see how it could be delivered without resorting to compulsory acquisition...
- The Loss of Plot 11b could impede the future delivery of housing”

... the SOR has not explained what alternative drainage options were explored and why the purchase of Plot 11b is considered to be necessary as a tool of last resort to provide the drainage measures for the scheme. It has therefore not been demonstrated that the proposed use of this land by the Scheme is more important than the existing use of the land and its potential future uses..."

10.18. National Highways tried to arrange meetings with Foreman Homes Limited which resulted in Foreman Homes advising of an alternative land plot which they felt should be considered by National Highways for flood mitigation. Further requests by National Highways to arrange a meeting to discuss this further have not yet resulted in a meeting.

10.19. National Highways has responded to Foreman Homes through the Statement of Case as detailed below.

10.20. National Highways has detailed the benefits of the Scheme in (Paragraphs 19.127-19.142, Page 84, Statement of Case [CD.A.8]) and (Proof of Evidence by Alasdair Sim [NH/1/2]) and explained that the infringement of human rights of Foreman Homes in respect of Plot 11b are proportionate and legitimate in the Statement of Case (Section 15, Page 55, CD.A.8]).

10.21. National Highways has responded to Foreman Homes' objection that no other options for the scheme were explored for Plot 11b (CPO Plans, [CD.A.2]) in the Statement of Case (Sections 19.103 - 19.115, Page 81, CD.A.8]) and in Proof of Evidence by Jason Ball – Flooding [NH/3/2].

10.22. Evidence has been provided demonstrating that alternatives to the methods and locations of flood attenuation measures associated with the requirements for Plot 11b have been considered and have included application of sequential testing and exception testing justifying the requirement for Plot 11b.

10.23. National Highways has evidenced that the Scheme is not a planning impediment in Proof of Evidence by Clare Williams – Planning (Section 3, Page 20, [NH/8/2]) and that future housing could be delivered with minor design changes to a drainage pond.

10.24. National Highways has issued a draft Statement of Common Ground, to seek to ascertain matters which are agreed between the parties, and narrow down areas of agreement, to Foreman Homes and is awaiting a response for discussion to progress. The Statement of Common Ground has not yet been signed.

10.25. **Mr Mark Keeling** – Blake Morgan, on behalf of Mr Keeling and in response to the Orders, wrote to the Department for Transport saying "...Our Client strongly objects to the CPO and the Side Roads Order and is of the opinion that the CPO does not meet the strict legal tests required to grant CPO powers. In addition, our Client has serious concerns about the Improvement Scheme, specifically regarding the documents that have been published on National Highways website..."

10.26. Blake Morgan, on behalf of Mr Keeling and in response to National Highways Statement of Case, wrote to the Department for Transport to further reinforce his objections.

10.27. Mr Keeling's objection (summarised) covers 6 key areas:

- Flooding
 - Inaccurate modelling used to justify the flood mitigation size and use for Plot 11b
 - Inaccurate criteria informing the flood modelling
 - Inadequate exploration of alternative options to Plot 11b for flood mitigation
 - Incomplete flood sequential testing and exception testing to evidence use of Plot 11b as a last resort, rather than first resort
- Planning

- Incorrect planning permissions and powers to execute works used by National Highways

c) Traffic Modelling and Economics

- National Highways has exaggerated the Scheme benefits

d) Stopping Up

- Concern at the stopping up of an access point to the Property

e) Environment

- Adverse impacts landscape and visual amenity on Mr Keeling's property

f) Accuracy of Land Acquisition Included in CPO

- CPO is based upon preliminary design rather than detailed (final) design

10.28. National Highways has liaised directly with Mr Keeling regarding land negotiations prior to the Orders and has liaised with Blake Morgan post the Orders objections being raised, in line with Mr Keeling's request to do so.

10.29. National Highways has responded to Mr Keeling through the Statement of Case (multiple sections, CD.A.8], following which Mr Keeling provided his Response to the Statement of Case (CD.H.2]), as below.

a) Flooding

- National Highways has responded to Mr. Keeling's flooding objections by providing 'fit for purpose' certification of evidence of an independent flood model audit (Paragraph 5.15, Page 23, Proof of Evidence by Jason Ball – Flooding [NH/3/2]) and providing evidence that demonstrates that alternatives to the methods and locations of flood attenuation measures associated with the requirements for Plot 11b have been considered and have included application of sequential testing and exception testing justifying the requirement for Plot 11b (CD.B.17]).

b) Planning

- National Highways has evidenced that the Scheme is not a planning impediment (Section 3, Page 21, Proof of Evidence by Clare Williams – Planning [NH/8/1]) and that future housing could be delivered with minor design changes to a drainage pond.

c) Traffic Modelling and Economics

- National Highways has evidenced the benefits of the Scheme (Paragraphs 19.127-19.142, Page 84, Statement of Case [CD.A.8] and Proof of Evidence by Alasdair Sim [NH/1/2]) to demonstrate that the Scheme benefits have not been exaggerated.

d) Stopping Up

- National Highways has detailed that the only one existing access off Dodwell Lane into Mr Keeling's property will be closed on Plot 11b (as the area is proposed for flood attenuation) and that the existing accesses off the circulatory carriageway of Dodwell Lane roundabout and off Peewit Hill Close will be retained (Paragraphs 19.143-19.147, Page 87, Statement of Case [CD.A.8]).

e) Environment

- National Highways has detailed (Paragraphs 19.14-19.48, Page 68, Statement of Case [CD.A.8] that an Environmental Assessment Report (CD.B.1]) was undertaken at Stage 3 where environmental impacts of the Scheme were assessed; this included Hillside.
- National Highways have produced three environmental Proofs of Evidence further detailing how Landscape (Proof of Evidence by Philip Black – Landscape, [NH/4/2]), Noise (Proof of Evidence by James Williams – Noise, [NH/5/2]) and Ecology (Proof of Evidence by Alanna Cooper – Ecology, [NH/6/2]) were assessed for the Scheme during Stage 3 and Stage 5.
- National Highways have detailed that they are satisfied that the Scheme will not significantly adversely impact the use of land for the business and the resident of the house at Hillside in terms of landscape character and visual amenity, noise and ecology.

10.30. National Highways has issued a draft Statement of Common Ground, to seek to ascertain matters which are agreed between the parties, and narrow down areas of agreement, to Mr Keeling. Mr Keeling's team responded with a draft of their own. Discussions are underway to ascertain how to take this forward.

Non-Statutory Objectors

10.31. **Withdrawn – Eastleigh Ramblers Association (ERA)** – wrote to the Department for Transport saying “*...I hereby lodge an objection to the above Order on the grounds that the works of improvement shown for the scheme within the area designated for improvement do not include the provision of a tarmac surface to the path which connects the north-eastern end of Footpath No 1 Hound to the network within the Windhover Roundabout..*”

10.32. Following liaison with the ERA, National Highways provided updated plans and confirmed that National Highways would provide a new path between FP1 Hound and the new footpath to be created as part of the M27 Southampton Junction 8 scheme. Mr Kenchington of Eastleigh Ramblers withdrew their objection (3 June 2021).

10.33. **Mr Paul Carnell** - wrote to the Department for Transport saying (summarised) the scheme is not addressing issues which are to be rectified as part of complimentary schemes or by schemes that have previously been delivered. Also, that the CPO was incorrectly worded, stating Hectares of land in metres square rather than square metres.

10.34. National Highways has liaised with Mr Carnell to resolve the objection however this has not resulted in the objection being withdrawn.

10.35. National Highways has also responded to Mr Carnell through the Statement of Case (Paragraphs 19.159-19.163, Page 89, Statement of Case [CD.A.8])

10.36. National Highways have advised that a wider corridor of A3024 improvements were considered throughout the development of this Scheme however the outcome of the engineering, economic and environmental assessments carried out showed that the wider corridor of A3024 improvements offered low value for money and had resultant significant environmental impacts due to noise from widening the A3024 and redistribution of traffic along its corridor, as well as introducing significant land contamination risks. The partial scheme, the M27 Southampton Junction 8 Scheme, performed better economically and avoided the above negative impacts.

10.37. National Highways advised that an alternative local scheme, one of the junction improvement works proposed in the wider corridor of A3024 improvements, is being delivered by Southampton City Council at Botley Road,

10.38. National Highways has prepared a Statement of Common Ground with Mr Carnell to seek to ascertain matters which are agreed between the parties, and narrow down areas of disagreement. The Statement of Common Ground has ~~not yet now~~ been signed by Mr Carnell and provided as a Core Document at [CD.K.1].

11. Conclusion

11.1. This conclusion sets out a summary of the evidence provided in this proof.

11.2. The Overview Proof of Evidence:

- Defines the need for and purpose of the Scheme and provides evidence that government funding is committed for the full cost of the Scheme.
- Evidences that the Scheme delivers benefits that meet the Scheme objectives through increased capacity, reduced congestion and delays, improved connectivity and improved safety. It will address the current restriction to economic growth in the area.
- Evidences that the Scheme will be delivered without any significant long term adverse environmental effects.
- Demonstrates that land acquisition has been minimised to include only the land essential to achieve the Scheme objectives and that the need and purpose for each plot has been clearly documented.
- Explains that all reasonable steps to acquire the land and rights included in the Order by agreement have been taken, and for plots without agreement, continue.
- Considers the human rights of those with an interest in the land affected by the Orders and explains why interference with them for the purposes of the Scheme is justified.
- Explains the need for the Orders to be made and confirmed at this time and evidences that the scheme has no impediments.
- Taking all of the above into account, demonstrates that there is a compelling case in the public interest for the confirmation of the Orders.

12. Key documents

12.1. A number of documents are referenced through this Proof of Evidence. This table highlights the core documents considered key to this Proof of Evidence.

Core document	Core Document Reference	Section	Comment
Statement of Reasons	CD.A.7	References included throughout the document	
Statement of Case	CD.A.8	References included throughout the document	
General Arrangement Engineering Drawing (Stage 5)	CD.A.9	N/A	
Details of Design Changes PCF between Stage 3 and Stage 5	CD.A.10	N/A	
Current and proposed maintenance plans	CD.A.11	N/A	
Jurisdiction of highways – current and post construction	CD.A.12	N/A	
Environmental Assessment Report	CD.B.1	References included throughout the document	
Environmental Masterplan Sheets 1 and 2, and Amended to suit Flood Compensation areas	CD.B.4	N/A	
Solent to Midlands Route Strategy Evidence Report (2014)	CD.B.18	References included throughout the document	

National Planning Policy Framework (NPPF) (2021)	CD.F.1	Page 5
Department for Transport (DfT) Road Investment Strategy 1 (2014)	CD.F.3	Page 45
Department for Transport (DfT) Road Investment Strategy 2 (2020)	CD.F.4	Page 104
Highways England Delivery Plan 2015 – 2020	CD.F.7	Pages 22 & 68
Highways England Delivery Plan 2020 – 2025	CD.F.8	Pages 2 and 75
Guidance on compulsory purchase process and the Cricichel Down Rules	CD.F.13	N/A
Solent to Midlands Route Strategy Study (Highways England, 2015)	CD.F.23	Page 10
Hampshire County Council Local Transport Plan 2011 – 2031	CD.G.3	Page 9
Letter of support from Hampshire County Council dated 15 October 2021	CD.H.4	N/A

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