

M3 Junction 9 Improvement

Scheme Number: TR010055

5.1 Consultation Report Appendix L - 2021 Targeted Consultation

APFP Regulation 5(2)(q)

Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

Volume 5

November 2022

Infrastructure Planning

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

M3 Junction 9 Improvement
Development Consent Order 202[x]

<p>5.1 CONSULTATION REPORT APPENDIX L – 2021 TARGETED CONSULTATION</p>

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference:	TR010055
Application Document Reference:	5.1
BIM Document Reference:	HE551511-VFK-LSI-X_XXXX_XX-RP-LE-0004
Author:	M3 Junction 9 Improvement Project Team, National Highways

Version	Date	Status of Version
Rev 0	November 2022	Application Submission

Appendix L – 2021 targeted consultation

- L.1. Targeted consultation – letter 1**
- L.2. Targeted consultation – letter 2**
- L.3. Targeted consultation – letter 3**

L.1. Targeted consultation – letter 1

Our ref: TR010055/s42(1)(d)/Nov 2021/Let 1/001



National Highways
Bridge House
1 Walnut Tree Close
Guildford
Surrey
GU1 4LZ

Direct Line: 

Email:

M3Junction9Improvements@highwaysengland.co.uk

16 November 2021

Dear Sir/Madam

**M3 Junction 9 Improvement Scheme
Targeted Consultation – 17 November 2021 until 22 December 2021
Section 42(1)(d) and Section 44 of the Planning Act 2008 (as amended)**

We've previously consulted you about our intention to apply to the Secretary of State for Transport for a Development Consent Order (DCO for the M3 junction 9 improvement Scheme (the Scheme). The changes planned at M3 junction 9 are a critical part of our ongoing investment in the strategic road network and will improve journey times between south Hampshire and London via the M3 and the midlands and the north via the A34.

The consultation was held between 27 May and 8 July 2021. We've listened to the feedback and the responses received from the public, landowners and other relevant organisations. We've developed our proposals further and a small amount of additional land is needed. As a result, we need to change the Indicative Application Boundary. We're writing to you as someone with an interest in the additional land affected by the Scheme. Please find enclosed an Information Sheet with further details.

We are writing to you because we believe that you are:

- An owner, lessee, tenant or occupier of the additional land or property affected by the Scheme; or
- You have an interest in the additional land; or have power to sell and convey the land, or to release the additional land.

To enable the construction and ongoing operation of the Scheme, we may need to seek legal powers to compulsorily acquire your land or rights over your land. We may also need to take temporary possession of your land.

In order to obtain powers of compulsory acquisition and to gain planning consent to build the Scheme, we are required to make an application for a DCO. The application will be made to the Planning Inspectorate, who will examine the application and make a recommendation to the Secretary of State, who will ultimately decide whether the application is granted permission and whether we are able to use compulsory acquisition powers. We intend to make our application for a DCO in early 2022.

Before submitting our application, we must consult people that have a legal interest in land that may be compulsory acquired by the Scheme. This letter is notice of National Highways' targeted consultation with those who may be an affected/potentially affected landowner or have an interest in the additional land or property now affected by the Scheme. This consultation will take place from **17 November 2021** to **22 December 2021**.

We're keen to hear your views on our proposals. This will help us develop the proposals for the application to be submitted to the Planning Inspectorate. We'd like to use the consultation to fully understand any impacts that our Scheme would have on your land or the land that you have an interest in.

As you have an interest in the additional land now affected, we are enclosing the following documents in paper copy to help you understand our proposals and share your views with us:

- a plan showing the updated extents of the Scheme, which is called the "Indicative Application Boundary".
- a plan showing the additional land the Scheme will use that we believe you have an interest in, which is called the "Individual Land Ownership Plan"

Further information relating to the Scheme and our previous consultation is provided in the enclosed Information Sheet and on the accompanying USB drive, which contains our previous consultation documents. These include a Preliminary Environmental Information Report ("PEIR") and its Non-Technical Summary required because the project is Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). We do not consider that the inclusion of the additional land materially changes the information provided in the PEIR.

If you or your organisation is unable to use the USB device the information is available on the Scheme website at www.highwaysengland.co.uk/m3junction9. If you require a paper copy of any of the Consultation Documents details of how to request these and any associated costs are provided on the Information Sheet.

Please contact us if you have any questions for our team during the consultation period. Our details are given below.

Any responses to this consultation in respect of the scheme should be sent to either of the following:

- **by email:** M3Junction9Improvements@highwaysengland.co.uk
- **in writing by posting responses to:** FREEPOST M3 JUNCTION 9

To allow us time to collect and assess all responses to this consultation before finalising our application, please respond before **11.59 pm** on **22 December 2021**.

Further information about the Planning Act 2008 process and Development Consent Orders can be found on the Inspectorate's National Infrastructure Planning website:
<http://infrastructure.planninginspectorate.gov.uk/>

If you have any questions about this letter, the scheme or the consultation, please don't hesitate to contact me. My details are given below.

Yours faithfully

[Redacted signature]

[Redacted name]
[Redacted title]

Email: M3Junction9Improvements@highwaysengland.co.uk

Phone: [Redacted]

Enclosures:

- i. A paper copy of the Individual Land Ownership Plan;
- ii. A paper copy of the updated Indicative Application Boundary Plan;
- iii. A USB drive containing an electronic copy of the Preliminary Environmental Information Report ("PEIR"), PEIR Non-Technical Summary, PEIR technical appendices and Consultation Brochure; and
- iv. Information Sheet.



INFORMATION SHEET

Why are you being consulted?

During the pre-application process of a Development Consent Order (“DCO”) application, we are required to consult with a variety of people and organisations (“prescribed persons”) about the Scheme in accordance with Section 42 of the Planning Act 2008 (as amended) (“PA 2008”). These ‘prescribed persons’ include local authorities, prescribed consultation bodies, such as the Environment Agency and Historic England, and affected/potentially affected landowners and others with interests in land. The statutory consultation must be carried out prior to submitting the application for a DCO to the Secretary of State for Transport.

We’ve identified a number of people and organisations, whom we need to consult for the purposes of Section 42 of the PA 2008. You or your organisation have been identified as an affected/potentially affected landowner or have an interest in land affected by the Scheme for the purposes of Section 42(1)(d) of the PA 2008.

Further to a review of Land Registry information and the land referencing process conducted, we have identified that you may have an interest in land which falls within our Indicative Application Boundary or is potentially affected by the Scheme. We believe your additional interest relates to:

Title Number(s)	Land Description(s)
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Please refer to the set of plans included with this letter, which show all additional affected land within our Indicative Application Boundary.

We therefore wish to seek your views on the Scheme. Information on how you can provide your comments is provided below.

Haven’t consultations taken place already?

2018 and 2019 public consultations

We’ve been developing plans to improve M3 junction 9 since 2017. Since 2018 we have been consulting on our proposals to improve the junction and we’ve previously carried out the following consultations:

- our proposed route options for the Scheme, between January and February 2018
- our Scheme design for improvements for the M3 junction 9, between July and August 2019, where consultees were asked for their views on the design of the Scheme and our approach to addressing the potential environmental impacts.

Feedback from the summer 2019 consultation showed a high level of support for the Scheme. However, people were concerned about:

- the length available for vehicles to change lanes when joining the A34 from junction 9 and then heading to the A33 Kings Worthy
- the future traffic capacity of the Scheme
- the length of the construction period

2021 public consultation

The 2021 consultation was required because of several design changes which arose as a result of feedback from the 2019 consultation. We made several design changes to the Scheme, seeking to address those concerns where possible:

- a new design to introduce better traffic flow between the M3 and A34
- extra space to build the Scheme in a safe, efficient and sensitive manner while keeping vehicles running through the junction
- new areas for environmental works
- new areas for temporary construction compounds and areas to place spare excavated material
- a new footbridge over the River Itchen
- revised walking and cycling routes

Since the 2021 statutory consultation we have made some minor changes to the design of the Scheme and in some cases, this has resulted in additional land being required either on a temporary or permanent basis. The changes include:

- Provision for additional planting towards the east of the Scheme to help reinforce screening of the road network
- Sufficient works area for the construction of the sustainable drainage systems (SuDs) and attenuation features



- Provision of signage and traffic management measures
- Provision for required utilities diversions.

We're therefore holding an additional targeted consultation with those who are potentially affected land interests. The consultation period runs from **17 November 2021 to 22 December 2021** (inclusive).

This consultation is an opportunity for you to share your views on our updated proposals and develop our understanding of how our proposals impact you and how we could improve that. We're keen to hear your views throughout this consultation. This will enable us to take your opinions into account in developing and refining our proposals before submitting our application to the Planning Inspectorate.

The Scheme

M3 junction 9 is a key transport interchange which connects south Hampshire and the wider sub-region, with London via the M3 and the midlands and the north via the A34. Our proposals are intended to reduce congestion and improve journey times by separating traffic travelling through the junction between the M3 to and from Southampton and the A34 to and from Newbury.

The Scheme comprises the following key elements:

- widening of the M3 to form a four lane motorway;
- providing a same direction free-flow link between the M3/A34;
- rearranging the main junction 9 roundabout;
- three new bridges and a number of other structures including new underpasses;
- revised walking and cycling routes;
- new connecting roads from the revised roundabout; and
- improved motorway slip roads.

The Planning Process

Due to the scale and nature of the Scheme, it is classed as a Nationally Significant Infrastructure Project ("NSIP") under the Planning Act 2008 ("PA 2008"). Therefore, we will apply to the Secretary of State for Transport for a Development Consent Order ("DCO") to authorise the Scheme. Our application will be submitted to the Planning Inspectorate who will process and consider the application before submitting a



recommendation to the Secretary of State for Transport to determine the application. We intend to submit our application for a DCO in early 2022.

Further information about the PA 2008 process and DCOs can be found on the Planning Inspectorate's National Infrastructure Planning website:

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

Environmental Impact Assessment

The Scheme is classified as 'EIA Development' under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations"). We are therefore undertaking an environmental impact assessment ("EIA") to identify the likely significant effects of the Scheme on the environment.

In May 2021, we published a Preliminary Environmental Information Report ("PEIR") The PEIR presents the environmental information gathered at the time and provides the preliminary findings of the assessment of the likely significant environmental effects of the construction and operation of the Scheme and preliminary mitigation measures. The PEIR does not set out the final findings of the Environmental Impact Assessment (EIA), as that is ongoing. The final findings of the EIA will be reported in the Environmental Statement which will accompany our DCO application.

The PEIR, its technical appendices and a non-technical summary of its findings can be viewed on the Scheme webpage (www.highwaysengland.co.uk/m3junction9) throughout the consultation period. A USB drive containing an electronic copy of the PEIR, its technical appendices and Non-Technical Summary is enclosed with this letter.

Through development of the Scheme, we have made several minor modifications to the previous Indicative Application Boundary which was displayed on the materials made available during our recent statutory consultation but we do not consider that these materially affect the information presented in the PEIR.

Consultation Documents

Further to a review of title and Land Registry information, we have identified that you may have an interest in additional land which falls within the Scheme footprint. To help you understand this, we are enclosing the following documents in hard copy. Please use or refer to these documents in your consultation response to ensure we know about potential impacts on your interests, whether they lie within the boundary of the Scheme or outside it:

- **Individual Land Ownership Plan** – showing the additional land the Scheme will use that we believe you have an interest in.
- **A plan showing the full extents of the Proposed Scheme, known as the "Indicative Application Boundary"** – we have included this plan so that, if there is land you have an interest in within the Indicative Application



Boundary but that has not been included on the Individual Land Ownership Plan, you can use this consultation opportunity to bring that to our attention. If this is the case, you can use / amend the plan to explain that to us and send it back to us as part of your consultation response.

Whilst this information is considered up to date at the time of the consultation, the identification of interests in the land potentially affected by the Proposed Scheme is an ongoing process. This process will be finalised prior to the submission of our DCO application. However, if you think you no longer have an interest in the additional land, please contact National Highways using the details provided below.

Documents of interest

The USB drive that is enclosed with this letter contains the following documents presented in May 2021 for your information:

- Preliminary Environmental Information Report (including its technical appendices)
- Preliminary Environmental Information Report Non-Technical Summary
- Consultation Brochure

The full suite of consultation documents presented in May 2021 are available to view online, free of charge, via the Scheme webpage:

www.highwaysengland.co.uk/m3junction9

If you require a paper copy of any of the consultation documents presented in May 2021, please contact us at: M3junction9Improvements@highwaysengland.co.uk or on 0300 123 5000. There may be a charge of up to £200 (including postage) for a paper copy of the PEIR, however all other consultation documents are available on request, free of charge.

Responding to the Consultation

The consultation period on the Scheme will run from **17 November 2021 to 22 December 2021** (inclusive). Any response to this consultation or on the Scheme can be made via:

- **Email:** M3Junction9Improvements@highwaysengland.co.uk
- **Post:** FREEPOST M3 Junction 9

To allow us time to collect and assess all responses to this consultation before finalising our application, please ensure your response reaches us **by 11.59pm on 22 December 2021**.

Compensation

Whilst you would be entitled to compensation if your land or interests are acquired, or if temporary possession is taken, this is not a matter upon which you can comment in this consultation. The amount of compensation due will be a matter to be determined through separate negotiation. However, there may be instances where we cannot reach agreement. In that situation you can refer your claim to the Lands Chamber of the Upper Tribunal. We are also interested in understanding whether we have captured the correct information about everyone who has an interest in land. Therefore, it would be very helpful if you either could confirm our Individual Land Ownership Plan is accurate or update us on anything we have missed.

We have produced the following guidance about compulsory acquisition and compensation which you can view under the 'documents section' on the Scheme webpage (www.highwaysengland.co.uk/m3junction9).

- your property and our road proposals
- your property and blight
- your property and discretionary purchase
- your property and compulsory purchase
- how to claim for the effects on your property of new or altered roads

Your data, your rights

Your data, your rights

On 25 May 2018, the General Data Protection Regulations (GDPR) became law. The law requires National Highways to explain to you – consultees, stakeholders and customers – how your personal data will be used and stored.

National Highways adheres to the government's consultation principles, the Planning Act 2008 and the Highways Act 1980 as required, and may collect personal data to help shape development of highways schemes.

Personal data collected by the project team will be processed and retained by National Highways and its appointed contractors until the scheme is complete.

In some instances consultation responses may also be sent to the Planning Inspectorate. To view the Planning Inspectorate's information relating to GDPR at Examination events please visit: **infrastructure.planninginspectorate.gov.uk/help/privacy-notice/**

Under the GDPR regulations you have the following rights:

- Right of access to the data (Subject Access Request)
- Right for the rectification of errors
- Right to erasure of personal data – this is not an absolute right under the legislation
- Right to restrict processing or to object to processing
- Right to data portability

If, at any point, National Highways plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will tell you what that other purpose is. We will do this prior to any further processing taking place and we will include any relevant additional information, including your right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioners Office.

If you'd like more information about how we manage data, or a copy of our privacy notice, please contact:
DataProtectionAdvice@highwaysengland.co.uk



L.2. Targeted consultation – letter 2

Our ref: TR010055/s42(1)(d)/Nov 2021/Let 2/020

National Highways
Bridge House
1 Walnut Tree Close
Guildford
Surrey
GU1 4LZ

Direct Line: [REDACTED]

Email:

M3Junction9Improvements@highwaysengland.co.uk



16 November 2021

Dear [REDACTED]

**M3 Junction 9 Improvement Scheme
Targeted Consultation – 17 November 2021 until 22 December 2021
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Please contact us if you have any questions for our team during the consultation period. Our details are given below.

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- in writing by posting responses to: **FREEPOST M3 JUNCTION 9**

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If you have any questions about this letter, the scheme or the consultation, please don't hesitate to contact me. My details are given below.

Yours sincerely

[Redacted signature]

[Redacted name]

[Redacted title]

Email: M3Junction9Improvements@highwaysengland.co.uk

Phone: [Redacted]

Enclosures:

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INFORMATION SHEET

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- our Scheme design for improvements for the M3 junction 9, between July and August 2019, where consultees were asked for their views on the design of the Scheme and our approach to addressing the potential environmental impacts.

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The Planning Process

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- your property and blight

- your property and discretionary purchase
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- how to claim for the effects on your property of new or altered roads

Your data, your rights

Your data, your rights

On 25 May 2018, the General Data Protection Regulations (GDPR) became law. The law requires National Highways to explain to you – consultees, stakeholders and customers – how your personal data will be used and stored.

National Highways adheres to the government's consultation principles, the Planning Act 2008 and the Highways Act 1980 as required, and may collect personal data to help shape development of highways schemes.

Personal data collected by the project team will be processed and retained by National Highways and its appointed contractors until the scheme is complete.

In some instances consultation responses may also be sent to the Planning Inspectorate. To view the Planning Inspectorate's information relating to GDPR at Examination events please visit: infrastructure.planninginspectorate.gov.uk/help/privacy-notice/

Under the GDPR regulations you have the following rights:

- Right of access to the data (Subject Access Request)
- Right for the rectification of errors
- Right to erasure of personal data – this is not an absolute right under the legislation
- Right to restrict processing or to object to processing
- Right to data portability

If, at any point, National Highways plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will tell you what that other purpose is. We will do this prior to any further processing taking place and we will include any relevant additional information, including your right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioners Office.



If you'd like more information about how we manage data, or a copy of our privacy notice, please contact: DataProtectionAdvice@highwaysengland.co.uk

L.3. Targeted consultation – letter 3

Our ref: TR010055/Nov 2021/Let 3/031



National Highways
Bridge House
1 Walnut Tree Close
Guildford
Surrey
GU1 4LZ

Direct Line: 

Email:

M3Junction9Improvements@highwaysengland.co.uk

16 November 2021

Dear Sir/Madam

M3 Junction 9 Improvement Scheme

We're writing to you about our intention to apply to the Secretary of State for Transport for a Development Consent Order (DCO) for the M3 junction 9 improvement scheme (the Scheme). The changes planned at M3 junction 9 are a critical part of our ongoing investment in the strategic road network and will improve journey times between south Hampshire and London via the M3 and the midlands and the north via the A34.

The Planning Act 2008 requires us to make an application to the Secretary of State for Transport for a DCO to construct the Scheme. We intend to submit our DCO application early in 2022 and as part of the application process we are required to consult with a number of people and organisations.

National Highways undertook a statutory consultation on the Scheme proposals in accordance with the requirements of the Planning Act 2008 earlier this year between 27 May 2021 and 8 July 2021. While you may have been involved in the consultation as a member of the local community, we're sorry that you did not previously receive a Section 42 consultation letter informing you that your land or property could have been affected by our proposals. However, since the statutory consultation, we have refined our proposals and as a result we can confirm that the Scheme will not require your land or property. There is no action required by you as a result of this letter it is for your information only.

For your information we have enclosed a plan showing the updated Indicative Application Boundary and a USB stick containing a copy of the Consultation Brochure and PEIR which we provided to statutory consultees and potentially affected landowners earlier this year. This information was also available to the general public as part of the consultation and remains available at www.highwaysengland.co.uk/m3junction9. Please note that some of the documents include information which is now out of date because of the changes made to the Indicative Application Boundary but none of the changes materially

affect the design or impacts of the Scheme and therefore it remains relevant to understanding what is proposed.

While there is no requirement to, if you wish to make any comments on the Scheme we would be happy to accept these as long as they are made by **11:59pm on 22 December 2021**. If you have previously made comments these will have been taken into account and there is no need to make them again.

Until the 22 December 2021, the Project Team will be available to speak with you about the Scheme and answer any questions you may have, please use the contact details provided in this letter.

Any responses in respect of the Scheme should be sent to either of the following:

- **by email:** M3Junction9Improvements@highwaysengland.co.uk
- **in writing by posting responses to:** FREEPOST M3 JUNCTION 9

Further information about the Planning Act 2008 process and Development Consent Orders can be found on the Inspectorate's National Infrastructure Planning website: <http://infrastructure.planninginspectorate.gov.uk/>

Should you have any queries about this correspondence, the proposals or the consultations, please do not hesitate to contact me using the details provided below.

Yours faithfully

[Redacted signature]

[Redacted name]
[Redacted title]

Email: M3Junction9Improvements@highwaysengland.co.uk

Phone: [Redacted phone number]

Enclosures:

- i. A paper copy of the updated Indicative Application Boundary Plan; and
- ii. A USB drive containing an electronic copy of the Preliminary Environmental Information Report ("PEIR"), PEIR Non-Technical Summary, PEIR technical appendices and the Consultation Brochure.