

# **M3 Junction 9 Improvement**

**Scheme Number: TR010055**

## **5.1 Consultation Report Appendix N – 2022 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><b>5.1 CONSULTATION REPORT APPENDIX N – 2022 TARGETED CONSULTATION</b></p>
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<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference:</b>	TR010055
<b>Application Document Reference:</b>	5.1
<b>BIM Document Reference:</b>	HE551511-VFK-LSI-X_XXXX_XX-RP-LE-0004
<b>Author:</b>	M3 Junction 9 Improvement Project Team, National Highways

Version	Date	Status of Version
Rev 0	November 2022	Application Submission

## **Appendix N – 2022 targeted consultation**

**N.1. Targeted consultation – letter 1**

**N.2. Targeted consultation – letter 2**

**N.3. Targeted consultation – letter 3**

**N.4. Targeted consultation – letter 4**

## **N.1. Targeted consultation – letter 1**



Our ref:  
TR010055/S42(1)(d)Cat3/Oct  
2022/XXX

Party Name  
Address

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

Direct Line: [REDACTED]  
Email:  
[M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Date

Dear Salutation

**M3 Junction 9 Improvement Scheme  
STATUTORY CONSULTATION – 25 October 2022 – 21 November 2022  
PLANNING ACT 2008 SECTION 42(1)(d) and 44: DUTY TO CONSULT ON A  
PROPOSED APPLICATION**

I am writing to you regarding the consultation on National Highways' proposed M3 junction 9 Improvement Scheme ("the Scheme") which will enable free-flowing links between the M3 and A34, both northbound and southbound.

We are writing to you because we believe that you might be entitled to make a relevant claim for compensation due to the effects of construction or when the new or altered road is in use. If your property or business has been adversely affected by the construction works carried out for the scheme you may be able to claim compensation under section 152 of the Planning Act 2008 or under section 10 of the Compulsory Purchase act 1965. Or, under Part I of the Land Compensation Act 1973 compensation can be claimed by people who own and occupy property that has been reduced in value by physical factors caused by the use of a new or altered road. Physical factors are noise, vibration, smell, fumes, smoke, artificial lighting and the discharge on to the property of any solid or liquid substance.

Being consulted under this category does not confirm entitlement to a future claim. Entitlement to compensation is assessed by our professional valuers at the time that a claim is made. We recommend that you take professional advice before making a claim.

The proposed scheme is identified as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 ("the 2008 Act"). This means we are required to make an application for a Development Consent Order (DCO) to get the consent we need to build the scheme. This application will be made to the Planning Inspectorate ("the Inspectorate") who will examine the application on behalf of the Secretary of State, to get permission to construct and operate the scheme. We intend to make our application for a DCO later this year.



Before submitting our application, we must consult those that have a potential claim to compensation. This letter is notice of National Highways' statutory consultation with those who may have a potential claim to compensation. This consultation will take place from **25 October 2022 – 21 November 2022**

Comments received in response to the previous consultations have been considered in the development of the DCO application. This statutory consultation is an opportunity for you to share your views on our proposals. We strongly encourage you to provide your views to us as early as possible in this consultation period so that we can include them in the application.

As the application will be submitted shortly and documents are in the process of being finalised it may not be possible for us to fully consider your responses before the application is made. However, should the DCO application, once made, be accepted by PINS, then we will write to you notifying you of acceptance under the provisions of section 56 of the Planning Act 2008 and tell you how you can submit comments on the accepted DCO application.

To view the full suite of consultation documents listed below, please visit the project website at <https://nationalhighways.co.uk/our-roads/south-east/m3-junction-9-improvements/>. These are provided to help you understand the proposals and share your views with us:

- The consultation brochure – providing details of consultation materials available at deposit locations;
- The consultation response form;
- The PEIR accompanied by a Non-Technical Summary (as the project is Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to help you understand the likely effects of our proposals; and
- Associated plans/drawings/reports.

A copy of these documents on a USB can be provided on request.

Please note that in September 2022 the Applicant provided a Scheme update to stakeholders following the ministerial statement on 12 January 2022 to pause the roll out of All Lane Running (ALR) schemes, not yet constructed. As the M3 Junction 9 to 14 Motorway Upgrade Project tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design development was undertaken to ensure the Scheme could tie-in to the existing highway. The Scheme update provided further information about the design development and proposed timescales following the ALR pause, together with other design changes since the 2021 statutory consultation. The update information can be viewed on the project website at <https://nationalhighways.co.uk/our-roads/south-east/m3-junction-9-improvements/>.

National Highways has also produced the following guidance in relation to compensation which can be viewed via the project website:

- Your property and National Highways road proposals
- Your property and discretionary purchase



- A guide to Part I claims

Any responses to this consultation should be sent to the following by 11.59pm on **21 November 2022**

:

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

We would also like to invite you to meet with our Project Team to discuss any specific queries you may have on any of the information contained in this letter. To arrange an appointment with the Project Team please use the contact information at the bottom of the letter.

Further information about the 2008 Act process and Development Consent Orders can be found on the Inspectorate's National Infrastructure Planning website:

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

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

Yours **closing**,

████████████████████  
████████████████████

Email: [M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Phone: ████████████████████

## **N.2. Targeted consultation – letter 2**





Our ref:  
TR010055/S42(1)(d)Cat3/Oct  
2022/XXX

Party Name  
Address

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

Direct Line: [REDACTED]  
Email:  
[M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Date

Dear Salutation

**M3 Junction 9 Improvement Scheme  
STATUTORY CONSULTATION – 25 October 2022 – 21 November 2022  
PLANNING ACT 2008 SECTION 42(1)(d) and 44: DUTY TO CONSULT ON A  
PROPOSED APPLICATION**

I am writing to you regarding the consultation on National Highways' proposed M3 junction 9 Improvement Scheme ("the Scheme") which will enable free-flowing links between the M3 and A34, both northbound and southbound.

You will have already heard from us as we have engaged with you in relation to land or property that you either own, occupy, or enjoy rights over that falls within the Scheme boundary. We are now writing to you because we believe that you might be entitled to make a relevant claim for compensation due to the effects of construction or when the new or altered road is in use. If your property or business has been adversely affected by the construction works carried out for the scheme you may be able to claim compensation under section 152 of the Planning Act 2008 or under section 10 of the Compulsory Purchase act 1965. Or, under Part I of the Land Compensation Act 1973 compensation can be claimed by people who own and occupy property that has been reduced in value by physical factors caused by the use of a new or altered road. Physical factors are noise, vibration, smell, fumes, smoke, artificial lighting and the discharge on to the property of any solid or liquid substance.

Being consulted under this category does not confirm entitlement to a future claim. Entitlement to compensation is assessed by our professional valuers at the time that a claim is made. We recommend that you take professional advice before making a claim.

The proposed scheme is identified as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 ("the 2008 Act"). This means we are required to make an application for a Development Consent Order (DCO) to get the consent we need to build the scheme. This application will be made to the Planning Inspectorate ('the Inspectorate') who will examine the application on behalf of the Secretary of State, to get permission to construct and operate the scheme. We intend to make our application for a DCO later this year.



Before submitting our application, we must consult those that have a potential claim to compensation. This letter is notice of National Highways' statutory consultation with those who may have a potential claim to compensation. This consultation will take place from **25 October 2022 – 21 November 2022**

Comments received in response to the previous consultations have been considered in the development of the DCO application. This statutory consultation is an opportunity for you to share your views on our proposals. We strongly encourage you to provide your views to us as early as possible in this consultation period so that we can include them in the application.

As the application will be submitted shortly and documents are in the process of being finalised it may not be possible for us to fully consider your responses before the application is made. However, should the DCO application, once made, be accepted by PINS, then we will write to you notifying you of acceptance under the provisions of section 56 of the Planning Act 2008 and tell you how you can submit comments on the accepted DCO application.

To view the full suite of consultation documents listed below, please visit the project website at <https://nationalhighways.co.uk/our-roads/south-east/m3-junction-9-improvements/>. These are provided to help you understand the proposals and share your views with us:

- The consultation brochure – providing details of consultation materials available at deposit locations;
- The consultation response form;
- The PEIR accompanied by a Non-Technical Summary (as the project is Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to help you understand the likely effects of our proposals; and
- Associated plans/drawings/reports.

A copy of these documents on a USB can be provided on request.

Please note that in September 2022 the Applicant provided a Scheme update to stakeholders following the ministerial statement on 12 January 2022 to pause the roll out of All Lane Running (ALR) schemes, not yet constructed. As the M3 Junction 9 to 14 Motorway Upgrade Project tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design development was undertaken to ensure the Scheme could tie-in to the existing highway. The Scheme update provided further information about the design development and proposed timescales following the ALR pause, together with other design changes since the 2021 statutory consultation. The update information can be viewed on the project website at <https://nationalhighways.co.uk/our-roads/south-east/m3-junction-9-improvements/>.

National Highways has also produced the following guidance in relation to compensation which can be viewed via the project website:

- Your property and National Highways road proposals
- Your property and discretionary purchase
- A guide to Part I claims



Any responses to this consultation should be sent to the following by 11.59pm on **21 November 2022**

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

We would also like to invite you to meet with our Project Team to discuss any specific queries you may have on any of the information contained in this letter. To arrange an appointment with the Project Team please use the contact information at the bottom of the letter.

Further information about the 2008 Act process and Development Consent Orders can be found on the Inspectorate's National Infrastructure Planning website:

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

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

Yours **closing**,

████████████████████  
████████████████████

Email: [M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Phone: ████████████████████

### **N.3. Targeted consultation – letter 3**

Our ref: TR010055/s42(1)(d)/Oct2022/XXX

Party name  
Address

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

Direct Line: [REDACTED]  
Email:  
[M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Date

Dear Salutation

**M3 Junction 9 Improvement Scheme  
Statutory Consultation – 25 October 2022 – 21 November 2022  
Section 42(1)(d) and Section 44 of the Planning Act 2008**

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.

A statutory consultation was previously held between 27 May 2021 and 8 July 2021. We've listened to the feedback and the responses received from the public, landowners and other relevant organisations and have developed our proposals. We are writing to you as someone identified as having an interest in the land as part of our ongoing land interest inquiries.

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

- An owner, lessee, tenant or occupier of land or property affected by the Scheme; or
- You have an interest in the land; or have power to sell and convey the land, or to release the 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 land. We may also need to take temporary possession of the 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 later this year.

Before submitting our application, we must consult people that have a legal interest in the land that may be compulsory acquired by the Scheme. This letter is notice of National Highways' statutory consultation with you as a person with an affected / potentially affected land interest. This consultation will take place from **25 October 2022 – 21 November 2022**.

Comments received in response to the previous consultations have been considered in the development of the DCO application. This statutory consultation is an opportunity for you to share your views on our proposals. We strongly encourage you to provide your views to us as early as possible in this consultation period so that we can include them in the application.

As the application will be submitted shortly and the documents are in the process of being finalised it may not be possible for us to fully consider your responses before the application is made. However, should the DCO application, once made, be accepted by PINS, then we will write to you notifying you of acceptance under the provisions of section 56 of the Planning Act 2008 and tell you how you can submit comments on the accepted DCO application.

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

To view the full suite of consultation documents listed below, please visit the project website at <https://nationalhighways.co.uk/our-roads/south-east/m3-junction-9-improvements/>. These are provided to help you understand the proposals and share your views with us:

- The consultation brochure – providing details of consultation materials available at deposit locations;
- The consultation response form;
- The PEIR accompanied by a Non-Technical Summary (as the project is Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) to help you understand the likely effects of our proposals; and
- Associated plans/drawings/reports.

A copy of these documents on a USB can be provided on request.

Further information relating to the Scheme and our previous consultations is provided in the enclosed Information Sheet and on the project website.

Please note that in September 2022 we provided a Scheme update to stakeholders following the ministerial statement on 12 January 2022 to pause the roll out of All Lane Running (ALR) schemes, not yet constructed. As the M3 Junction 9 to 14 Motorway Upgrade Project tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design development was undertaken to ensure the Scheme could tie-in to the existing highway. The Scheme update provided further information about the design development and proposed timescales following the ALR pause, together with other design changes since the 2021 statutory consultation. The update information can be viewed on the project website.

Any responses to this consultation should be sent to the following by 11.59pm **21 November 2022**

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

We would also like to invite you to meet with our Project Team to discuss any specific queries you may have on any of the information contained in this letter and to help us fully understand any impacts that our Scheme would have on your land or the land that you have an interest in. To arrange an appointment with the Project Team please use the contact information at the bottom of the letter.

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 sincerely

[Redacted signature]

[Redacted name]

Email: [M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Phone: [Redacted phone number]

## 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 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 within our Application Boundary or is potentially affected by the Scheme. We believe your interest relates to:

Plot Number(s)	Land Description(s)
XX (in respect of rights of access)	xx

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

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

### **Consultations already taken place?**

#### 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

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

- 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 therefore held an additional targeted consultation with those with potentially affected land interests. The consultation period ran from 17 November 2021 to 22 December 2021 (inclusive).

## **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 later in 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](http://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 available upon request.

Through development of the Scheme, we have made several minor modifications to the previous 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 land which falls within the Application Boundary. 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 land the Proposed 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. However, if you think you no longer have an interest in the land, please contact National Highways using the details provided below.

### **Documents of interest**

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](http://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](mailto: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 **25 October 2022** and **21 November 2022** (inclusive). Any response to this consultation or on the Scheme can be made via:

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

Please ensure your response reaches us **by 11.59pm on 21 November 2022**.

### **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](http://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](mailto:DataProtectionAdvice@highwaysengland.co.uk)

## **N.4. Targeted consultation – letter 4**

Our ref: TR010055/s42(1)(d)/Oct2022/XXX

Party name  
Address

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

Direct Line: [REDACTED]

Email:

[M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Date

Dear Salutation

**M3 Junction 9 Improvement Scheme  
Statutory Consultation – 25 October 2022 – 21 November 2022  
Section 42(1)(d) and Section 44 of the Planning Act 2008**

Further to our letter on 16 November 2021 advising that your land or property was no longer required for the M3 junction 9 improvement scheme (the Scheme), we are now writing to you for the reason that although your land is still not required, following a further review of our data we do believe you enjoy an access from your land that the Scheme could interfere with, and therefore are someone with an interest.

We are now writing to you about our intention to apply to the Secretary of State for Transport for a Development Consent Order (DCO) for 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.

A statutory consultation was previously held between 27 May 2021 and 8 July 2021. We've listened to the feedback and the responses received from the public, landowners and other relevant organisations and have developed our proposals. We are writing to you as someone identified as having an interest in the land as part of our ongoing land interest inquiries.

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

- An owner, lessee, tenant or occupier of land or property affected by the Scheme; or
- You have an interest in the land; or have power to sell and convey the land, or to release the 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 land. We may also need to take temporary possession of the 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 later this year.

Before submitting our application, we must consult people that have a legal interest in the land that may be compulsorily acquired by the Scheme. This letter is notice of National Highways' statutory consultation with you as a person with an affected / potentially affected land interest. This consultation will take place from **25 October 2022 – 21 November 2022**.

Comments received in response to the previous consultations have been considered in the development of the DCO application. This statutory consultation is an opportunity for you to share your views on our proposals. We strongly encourage you to provide your views to us as early as possible in this consultation period so that we can include them in the application.

As the application will be submitted shortly and the documents are in the process of being finalised it may not be possible for us to fully consider your responses before the application is made. However, should the DCO application, once made, be accepted by PINS, then we will write to you notifying you of acceptance under the provisions of section 56 of the Planning Act 2008 and tell you how you can submit comments on the accepted DCO application.

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

To view the full suite of consultation documents listed below, please visit the project website at <https://nationalhighways.co.uk/our-roads/south-east/m3-junction-9-improvements/>. These are provided to help you understand the proposals and share your views with us:

- The consultation brochure – providing details of consultation materials available at deposit locations;
- The consultation response form;
- The PEIR accompanied by a Non-Technical Summary (as the project is Environmental Impact Assessment (EIA) development as defined by the



Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) to help you understand the likely effects of our proposals; and

- Associated plans/drawings/reports.

A copy of these documents on a USB can be provided on request.

Further information relating to the Scheme and our previous consultations is provided in the enclosed Information Sheet and on the project website.

Please note that in September 2022 we provided a Scheme update to stakeholders following the ministerial statement on 12 January 2022 to pause the roll out of All Lane Running (ALR) schemes, not yet constructed. As the M3 Junction 9 to 14 Motorway Upgrade Project tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design development was undertaken to ensure the Scheme could tie-in to the existing highway. The Scheme update provided further information about the design development and proposed timescales following the ALR pause, together with other design changes since the 2021 statutory consultation. The update information can be viewed on the project website.

Any responses to this consultation should be sent to the following by 11.59pm **21 November 2022**

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

We would also like to invite you to meet with our Project Team to discuss any specific queries you may have on any of the information contained in this letter and to help us fully understand any impacts that our Scheme would have on your land or the land that you have an interest in. To arrange an appointment with the Project Team please use the contact information at the bottom of the letter.

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 sincerely

████████████████████  
████████████████████

Email: [M3Junction9Improvements@highwaysengland.co.uk](mailto:M3Junction9Improvements@highwaysengland.co.uk)

Phone: ████████████████████

## 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 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 within our Application Boundary or is potentially affected by the Scheme. We believe your interest relates to:

Plot Number(s)	Land Description(s)
XX (in respect of rights of access)	xx

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

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

### **Consultations already taken place?**

#### 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

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

- 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 therefore held an additional targeted consultation with those with potentially affected land interests. The consultation period ran from 17 November 2021 to 22 December 2021 (inclusive).

## **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 later in 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](http://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 available upon request.

Through development of the Scheme, we have made several minor modifications to the previous 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 land which falls within the Application Boundary. 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 land the Proposed 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. However, if you think you no longer have an interest in the land, please contact National Highways using the details provided below.

### **Documents of interest**

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](http://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](mailto: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 **25 October 2022** and **21 November 2022** (inclusive). Any response to this consultation or on the Scheme can be made via:

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

Please ensure your response reaches us **by 11.59pm on 21 November 2022**.

### **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](http://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/](https://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](mailto:DataProtectionAdvice@highwaysengland.co.uk)**