



Our ref: TR010055

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2 May 2023

Dear Ms McKay,

Application Ref: TR010055
Application by National Highways for an Order Granting Development Consent for the M3 Junction 9 Improvement Scheme.

Applicant's response to Rule 6 Letter of the 18 April 2023.

This letter is National Highways' (the Applicant) response to the Examining Authority's (ExA) Rule 6 letter dated 18 April 2023.

In advance of the Preliminary Meeting, in respect of the application for the M3 Junction 9 Improvement Scheme (the Application), the intention of this letter is for the Applicant to provide a brief update on the progress of the Application since submission.

This letter addresses a number of matters raised in the ExA's notice of the Preliminary Meeting (the Rule 6 Letter), to be discussed further at the Preliminary Meeting if necessary.

1. List of Proposed Attendees at the Preliminary Meeting and Subsequent Hearings

- 1.1. The Applicant will attend, and participate in, the Preliminary Meeting on Tuesday 16 May and encloses at Schedule 1 the full list of proposed attendees on behalf of the Applicant. The Applicant will be principally represented by Cathryn Tracey of Burges Salmon LLP.
- 1.2. The Applicant will also be attending all hearings listed at Annex 4 of the Rule 6 Letter and, following receipt of the relevant agendas, the Applicant will produce a list of proposed speakers and present this to the Planning Inspectorate in advance of the relevant hearing.
- 1.3. The Applicant requests to be provided with the list of Interested Parties who have indicated their intention to attend the Preliminary Meeting and Open Floor Hearing 1.

2. Open Floor Hearing 1: Wednesday 17 May 2023

- 2.1 The Applicant will attend the Open Floor Hearing 1 that has been scheduled for Wednesday 17 May 2023 and encloses at **Schedule 2** the full list of proposed attendees on behalf of the Applicant. The principal representative for the Applicant will be Cathryn Tracey of Burges Salmon LLP.
- 2.2 In lieu of an agenda being available the Applicant anticipates that the ExA will wish to use of the time at the Open Floor Hearing 1 to hear from members of the public. Accordingly, the Applicant is not anticipating responding in detail to parties at the Open Floor Hearing 1 nor provide any detailed statements but will provide responses to clarify issues should that assist the ExA. The Applicant will instead provide a written response to the representations made at the Open Floor Hearing 1 where necessary.
- 2.3 If this is not the expected level of participation at the Open Floor Hearing 1, the ExA is requested to clarify the involvement of the Applicant as the attendees at this hearing reflects the proposed approach.

3. Timetable for Examination

- 3.1 The Applicant has the following comments on the ExA's timetable:
- The Applicant recognises that items 17 and 18 of the Draft Examination timetable fall within school holidays, and may impact representation from Interested Parties, Local Authorities and Statutory bodies. The ExA may wish to consider moving one week forward to Week Commencing 24 July 2023.
 - The Applicant's Landscape Visual Impact team are currently unavailable between 31 July and 11 August 2023 and would be grateful if hearings relating to Landscape and Visual Impacts are scheduled outside of this period.

4. Statements of Common Ground

- 4.1 Since acceptance of the Application, the Applicant has continued to work with a number of consultees to produce and develop Statements of Common Ground (SoCG). The Applicant notes the list of six interested parties the ExA has listed in Annex F of the Rule 6 Letter and confirm that these six SoCGs are being progressed, along with emphasis on the key topics listed by the ExA.
- 4.2 The Applicant notes the ExA request for submission of a 'Statement of Commonality for SoCGs' at Deadline 1, and initial SoCGs at Deadline 2. The Applicant submitted a document named **Progress with Statements of Common Ground (Document Reference 7.12) (APP-165)** with the Application submission and proposes to continue to update this document, as opposed to producing a new 'Statement of Commonality for SoCGs.' Can the ExA confirm that it accepts this proposal as the purpose of these documents is the same.
- 4.3 **Schedule 3** summarises the status of the six SoCGs.

5. Additional Submissions

- 5.1 It is noted in Annex F of the ExA's Rule 6 Letter that the following Additional Submissions have been accepted:
- 4.1 Statement of Reasons Rev 1

- 4.3 Book of Reference Rev 1
- 5.2 An updated draft DCO was also submitted at the same time as these documents in response to Section 51 advice. It is requested that the ExA confirm this has been accepted.
- 6. Landowner and Statutory Undertaker Negotiations**
- 6.1 Following submission, the Applicant has continued to actively liaise with landowners affected by the project in an attempt to reach agreement.
- 6.2 The Applicant is also liaising with various statutory undertakers. It is anticipated that protective agreements or protective provisions for the statutory undertakers will be agreed during the course of the Examination.
- 7. Accompanied Site Inspection (ASI)**
- 7.1 The Applicant's suggestions for locations to include as part of the ASI are to be found at **Schedule 4**.

If you have any queries on any of the documents enclosed on or any other matter, please do not hesitate to contact me via the details below.

Yours sincerely,

Anne-Marie Palmer
Project Manager

M3Junction9Improvements@nationalhighways.co.uk

SCHEDULE 1

List of Applicant's Attendees at Preliminary Meeting (16 May 2023)

	Attendee	Organisation
1	Cathryn Tracey	Burges Salmon LLP
2	Julian Boswall	Burges Salmon LLP
3	Douglas Haycock	Burges Salmon LLP
4	Anne-Marie Palmer	National Highways
5	Thomas Beasley	National Highways
6	Courtney Cross	Volker Fitzpatrick
7	Amy Attwater	Volker Fitzpatrick
8	Josh Hodder	Stantec

SCHEDULE 2

List of Applicant's Attendees at Open Floor Hearing 1 (17 May 2023)

	Attendee	Organisation
1	Cathryn Tracey	Burges Salmon LLP
2	Douglas Haycock	Burges Salmon LLP
3	Anne-Marie Palmer	National Highways
4	Thomas Beasley	National Highways
5	Courtney Cross	Volker Fitzpatrick
6	Amy Attwater	Volker Fitzpatrick
7	Josh Hodder	Stantec

SCHEDULE 3

Status of Statements of Common Ground (SoCG) (as of 1 May 2023)

1. Introduction

- 1.1 The Applicant has subsequently sought to take a proactive approach with a number of key statutory bodies, to take advantage of the Statement of Common Ground (SoCG) process in advance of the Preliminary Meeting.
- 1.2 During the pre-examination phase the Applicant has engaged with a number of key statutory and non-statutory parties with a view to reaching common ground on outstanding issues.

2. General SoCG

- 2.1 The table below reflects the list of SoCGs proposed to be submitted by the Applicant in order to assist the ExA. The Applicant has highlighted the progress of these SoCGs in the table below.

Individual SoCG Status

SoCG	Status update requested by the ExA
Winchester City Council	Draft SoCG in preparation
South Downs National Park Authority	Draft SoCG in preparation
Hampshire County Council	Draft SoCG in preparation
Environment Agency	Draft SoCG in preparation
Natural England	Draft SoCG in preparation
Historic England	No matters outstanding

SCHEDULE 4**Applicant's Suggestions for Accompanied Site Inspections**

Area	Locations	Purpose Description
A	Colebrook Car Park (adjacent to Mercure Hotel)	Meeting/Collection Point
B	Land to the west of the M3 Northbound and to the east of the A34	The construction of two drainage attenuation basins with associated drainage facilities, access and landscaping, and other associated works (Work No. 1 (j-o)). The construction of a new 1 lane merge on slip onto the M3 Northbound from the A34 roundabout (Work No. 7 & 8). The diversion of 1095 metres of water pipeline (Work No.5).
C	Land to the east of the M3 southbound and west of Long Walk	The land will host construction of a new bridleway, being 1390 metres in length including edgings, verges, wayfinding signage, bollards, tactile paving, and horse mounting blocks, and associated drainage and landscaping features to connect Long Walk and Easton Lane (Work No.9).
D	Land to the east of M3 and west of Long Walk.	The construction of a temporary construction site compound situated on land to the east of the M3 Junction 9 gyratory (Work No. 38).
E	Land to the east of M3 and west of Long Walk	Views of the construction of a new one lane off slip carriageway and associated hard shoulder, being 881 metres in length, on both embankment and in cutting to connect the M3 southbound to the M3 Junction 9 gyratory (Work No. 11). Construction of drainage infiltration and attenuation basin with associated drainage facilities, access, and landscaping (Work No. 9.). Diversion of power cables and gas main pipeline (Work No. 20 and 21).
F	National Highways Depot	The construction of a cycle track (Work No. 2) and toucan crossing (Work No. 15). Work associated with a new roundabout and 2 lane carriageway between A33 roundabout and National Highways roundabout (Work No. 16; 17; 18).