

**M3 JUNCTION 9 IMPROVEMENT PROJECT (THE PROJECT)**

**SOUTHERN WATER SERVICES LIMITED (URN 20036806)**

**RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTION Q9.1.35**

1. We are instructed by Southern Water Services Limited (**Southern Water**) in relation to the application for a development consent order (**DCO**) made by National Highways (**the Applicant**) to authorise the Project.
2. The Examining Authority issued its first written questions (ExQ1) in respect of the Project on 25 May 2023 [PD-008].
3. One such question (Q9.1.35) was directed to Southern Water, as well as other parties, as follows:

*“The relevant Statutory Undertakers are requested to set out their views as to whether the section 127 and 138 tests would be met or indicate and whether they are content with the protective provisions set out in the draft DCO [APP-019]?”*

4. Southern Water's response to this question is as follows:

At the present time, Southern Water considers that the Applicant has not yet demonstrated that the M3 Junction 9 Improvement project can proceed without causing serious detriment to its undertaking and therefore Southern Water must retain its objection to the project. This is particularly the case given the form of protective provisions contained in the draft DCO are not to Southern Water's satisfaction. However, Southern Water is pleased to note that the Applicant appears willing to engage on these issues and anticipates agreement being able to be reached during the Examination. Further information on the outstanding issues and engagement to date between the parties is provided in Southern Water's written representation submitted alongside this response.

**Pinsent Masons LLP**

**15 June 2023**