

**M3 Junction 9 Improvement
Scheme Number: TR010055
8.27 Cover Letter Deadline 7**

Planning Act 2008

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

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Ref: TR010055

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3 November 2023

Dear Ms McKay and Mr Sims,

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

Applicant's Deadline 7 Submission

This letter has been prepared by the Applicant to accompany the Applicant's submissions to the Examining Authority (ExA) for Deadline 7 of the Examination for the M3 Junction 9 Improvement Scheme. It has been prepared in accordance with the requirements set out by the Examining Authority in the Rule 8 Letter dated 25 May 2023.

A full list of the documents submitted for Deadline 7 are listed in Section 1 of this letter.

Yours sincerely,

Thomas Beasley
National Highways

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1 Deadline 7 Submissions

1.1 Documents submitted

1.1.1 The table below sets out documents submitted at Deadline 7.

Table 1.1: Documents submitted at Deadline 7

Reference	Document	Revision
1.3	Introduction to the Application (Document Tracker)	REP6-003 Rev 7
8.27	Cover Letter for Deadline 7	N/A
8.17.1	8.17.1 Applicant Response to the Examining Authority's Second Written Questions (ExQ2) - Appendices	REP5-027 Rev 1

1.2 Applicant Response to the Examining Authority's Second Written Questions (ExQ2) – Appendices (REP5-027)

1.2.1 **Appendix C** of this document titled the ‘**Single Public Rights of Way and Access Plan - ExA WQ2 16.2.25**’ has been updated with respect to the references to the proposed maintaining authority within the proposed rights of way schedule included on the plan to correct an error.

1.2.2 Please note that only Appendix C, of Appendices A-F, have been updated.

1.3 Report on the Implications for European Sites (PD-013)

1.3.1 The Applicant submitted its comments on the questions raised in the **Report on the Implications for European Sites (PD-013)** at Deadline 6. These were provided in the **Applicant Response to Questions from the ExA in the Report on the Implications for European Sites (REP6-027)**.

1.4 Natural England Deadline 6 Submission - Responses to ExQ3 (if issued) (REP6-033)

1.4.1 The Applicant has seen the submission from Natural England in response to the questions raised within the **Report on the Implications for European Sites (PD-013)** and would like to provide comment on the response to the following question raised by the ExA:

Q (to NE): Following the Applicant's revised HRA Report submitted at D5 [REP5-021], can NE confirm whether it continues to have concerns with the air quality assessment? NE is requested to explain whether they now agree with the Applicant's conclusions of no AEOL with respect to construction, operation alone and in combination?

- 1.4.2 The Applicant is surprised by the response to this question provided in the **Natural England Deadline 6 Submission – Responses to ExQ3 (REP6-036)** given that the assessment process has been undertaken in accordance with the *Design Manual for Roads and Bridges (DMRB)* and that the Applicant has gone beyond this to provide further technical assessment on air quality and emissions in respect of habitats with protected status as previously requested by Natural England. This information was reflected in the updated **Habitats Regulation Assessment (7.5, Rev 2)** submitted at Deadline 5.
- 1.4.3 The Applicant was not aware that the remaining issues regarding Air Quality that have been in discussion with Natural England amount to 'significant gaps in the assessment' (understood to be in relation to the Habitats Regulation Assessment) and to now be advised of this at this late stage in the Examination process is very troubling. Further clarity will be sought from Natural England as to the guidance and legislation that the Scheme is deemed to be falling short of, and or that warrants further assessment.
- 1.4.4 The Applicant is hopeful that the information provided in **Applicant Response to Questions from the ExA in the Report on the Implications for European Sites (8.26, REP6-027)** will enable Natural England to resolve their outstanding concerns.
- 1.4.5 The Applicant will work with Natural England to reconcile this matter as soon as possible before the close of Examination and a meeting with its representatives this coming week is already arranged.
- 1.4.6 The Applicant will provide a further update on this matter at Deadline 8.