



Department for Transport

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To: Hampshire County Council,
Natural England, South Downs
National Park Authority, Natural
England and all other Interested
Parties

22 March 2024

Dear Sir/Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways Limited (“the Applicant”) Seeking Development Consent for the Proposed M3 Junction 9 Improvement Scheme (“the Application”)

Side agreement with Hampshire County Council

The Secretary of State requests confirmation from **Hampshire County Council** that the position as set out in paragraphs 1.1.1 and 1.1.2 of the Applicant’s response of 15 March 2024 is correct.

The Levelling-up and Regeneration Act 2023 (LURA)

The Secretary of State notes that since the end of the examination, section 11A of the National Parks and Access to the Countryside Act 1949 has been amended by section 245 of the LURA which came into force on 26 December 2023. The Secretary of State invites the **South Downs National Park Authority** and **all other interested parties** to provide comments on the implications of this amendment in respect of the Application, and for their observations on the comments contained in paragraphs 3.1.1 to 3.1.18 of the Applicant’s response in respect of this matter.

Disapplication of Sections 28E and 28H of the Wildlife and Countryside Act 1981

The Secretary of State asks **Natural England** whether or not it has any concerns about the disapplication of Sections 28E and 28H of the Wildlife and Countryside Act 1981 noting the comments contained in Para 4.1.1 to 4.1.4 of the Applicant’s response.

Requirement 6

Noting the comments in Para 5.1.3 of the Applicant’s response that the meaning of the words “or other element” in Requirement 6 of the draft Development Consent Order is “imprecise

and unclear”, the Secretary of State asks the **South Downs National Park Authority** if it can provide further clarity on which precise aspect of the landscaping scheme those words were intended to cover, in addition to trees, shrubs and chalk grassland.

Deadline for Response

The deadline for response is 8 April 2024.

Submissions sent by post may be subject to delay therefore your response on the information requested above should be submitted to the Case Team, if possible, by email to m3junction9@planninginspectorate.gov.uk

If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team.

Responses will be published as soon as possible after the deadline on the M3 Junction 9 Improvement project page of the National Infrastructure Planning website at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m3-junction-9-improvement/>

This letter is without prejudice to the Secretary of State’s decision on the M3 Junction 9 Improvement Application, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Transport Infrastructure Planning Unit