



Pre submission meeting

Project name	M3 Junction 9 Improvement
File reference	TR010055
Status	Final
Author	The Planning Inspectorate
Date	15 February and 03 March 2022
Meeting with	National Highways
Venue	Microsoft Teams
Meeting objectives	Pre submission meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Submission Logistics

Both parties discussed the requirements and logistics for submission of an application. The Inspectorate provided an overview of the information that it would be requesting in the lead up to the submission of the application. The Applicant confirmed the file sharing system it would use.

The Inspectorate advised the Applicant that it could be helpful to inform the relevant Local Authorities of the potential submission date, particularly where it might result in local authorities being requested to submit Adequacy of Consultation responses over the Easter period.

Draft Habitats Regulation Assessment (HRA) Feedback

The Applicant had no comments on the Inspectorate's feedback regarding the Applicant's draft HRA, who added that the document would be updated in line with the comments.

The Inspectorate's comments on the draft HRA are in Appendix A.

M3 JUNCTION 9 IMPROVEMENT – TR010055

Section 51 advice regarding draft application documents submitted by NATIONAL HIGHWAYS

On 19 January 2022 NATIONAL HIGHWAYS submitted the following draft document for review by the Planning Inspectorate as part of its Pre-application Service¹:

- 7.5 Habitats Regulations Assessment

The advice recorded in the table comprising this document relates solely to matters raised upon the Planning Inspectorate’s review of the draft application documents, and not the merits of the proposal. The advice is limited by the time available for consideration and is raised without prejudice to the acceptance or otherwise of the eventual application.

Habitats Regulations Assessment (HRA)		
Ref No.	Paragraph/ Section	Comment/Question
1.	2.5.2	The draft HRA report states that <i>“the approach for the ‘in-combination’ assessment is such that where no impact pathways are identified and / or there is no <u>appreciable</u> effect resulting from the current Project, then there is no mechanism by which perceivable ‘in-combination’ effects with other Projects or Plans could occur.”</i> The Applicant is advised to define what is meant by “appreciable”.
2.	3.2.96	Screening Table 3.2 references two documents to guide the assessment of impacts to the Barbastelle bat qualifying feature of the Mottisfont Bat Special Area of Conservation (SAC): <ul style="list-style-type: none"> • Jonathan Cox Associates. Mottisfont Bats Special Area of Conservation Protocol for Planning Officers Report to Natural England June 2010.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

Habitats Regulations Assessment (HRA)		
Ref No.	Paragraph/Section	Comment/Question
		<ul style="list-style-type: none"> Natural England & Wiltshire Council, 2015. Bat Special Areas of Conservation Planning Guidance for Wiltshire. <p>The Applicant is advised to submit these documents to the examination (e.g. as an Appendix to the HRA report).</p>
3.	3.2.154	Screening Table 3.3 for the Kennet and Lambourn Floodplain SAC does not state whether the appropriate statutory environmental bodies agree with the conclusion of no likely significant effects. Written agreement with the appropriate bodies should be included in the final HRA report if possible.
4.	Appendix E	Appendix E should contain a copy of the Evidence Plan but this is missing (highlighted here in case this was unintentional).

General

- Where references are provided to other draft application documents it would be beneficial to provide their full title, inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
- [\[MHCLG\] Application form guidance](#), paragraph 3, states: *“The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.”*