



Meeting note

Project name	M3 Junction 9 Improvement
File reference	TR010055
Status	Final
Author	The Planning Inspectorate
Date	03 October 2022
Meeting with	National Highways
Venue	Microsoft Teams
Meeting objectives	Draft Document Review and 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.

Draft Documents review

In August 2022 the Applicant submitted three draft documents to the Inspectorate for review. The Inspectorate's comments are in the document below. The Applicant confirmed that no discussion on the comments was required.

Submission

The Applicant advised that they expected the application to be submitted the following month, although this is yet to be confirmed. The Inspectorate requested that confirmation is provided in writing regarding the submission date.

The Inspectorate clarified that the GIS shapefile needs to be submitted at least 10 working days prior to the Development Consent Order (DCO) application submission. The Inspectorate will be in contact with the Applicant four weeks before the submission date with instructions and submission information.

The Inspectorate advised that any submissions after 5pm will be treated as being submitted the next working day and recommended the Applicant therefore submits earlier on the day of submission. The Inspectorate clarified that the Acceptance period cannot be started until the fees are paid and explained that the fees requested do not require the Applicant to add VAT.

The Inspectorate requested the Applicant to provide a list of A, B, C and D Local Authorities (LAs) to assist The Inspectorate in conducting Adequacy of Consultation Requests during the Acceptance stage.

Submission Documents

The Applicant requested that the submission documents are not published until after the Acceptance stage. The Inspectorate requested that the Applicant states this in writing prior to the submission of the DCO application.

The Inspectorate advised that they undertake any required redaction of submission documents but requests that the Applicant highlights areas that require redaction in the documents when submitting them.

The Inspectorate requested a clean version and tracked version of the draft DCO. While the tracked version is not compulsory and would not be published, it would be beneficial during the Acceptance stage to highlight where the Applicant has made amendments and taken feedback into account. The Applicant agreed to provide a tracked version if possible.

The Inspectorate and the Applicant discussed trialling submissions to ensure that file sharing is successful and ensure the submission for Acceptance does not encounter issues.

The Inspectorate requested that searchable PDFs are submitted rather than images as this makes reviewing files, in particular works plans, much more efficient.

Consultation Responses – Reg 5 Request

The Inspectorate requested the Applicant prepares their consultation responses in the event they are requested under Regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

The Applicant queried whether the Inspectorate would require consultation responses to only the most recent statutory consultation or all statutory consultations. The Inspectorate confirmed that during Acceptance, they are required to review all statutory consultations, if more than one. Should the consultation responses be required, they are usually requested in week two of the 28-day Acceptance stage.



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Section 51 advice regarding draft application documents submitted by NATIONAL HIGHWAYS

On 22 August 2022 National Highways submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Doc 2.3 Works Plans
2. Doc 3.1 Draft Development Consent Order (dDCO)
3. Doc 3.2 Draft Explanatory Memorandum (dEM)

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.

The Inspectorate previously gave feedback on Doc 2.3 Works Plans and Doc 3.1 Draft Development Consent Order (dDCO) in October 2021. The feedback can be found here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010055/TR010055-Advice-00006-1-211208%20M3J9%20meeting%20note.pdf>

Doc 2.3 Works Plans		
Ref No.	Paragraph/Section	Comment/Question
1.	General	The Inspectorate suggests that it might be clearer for the text referring to continuation on another sheet refers to 'Sheet 4 of 10' instead of the full sheet name, ie. 'HE551511-VFK-LSI-X_XXXX_XX-DR-ZL-1004'.

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



Doc 3.1 Draft Development Consent Order (dDCO) and Doc 3.2 Draft Explanatory Memorandum (dEM)		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
2.	Article 12	<i>Power to alter layout etc of streets</i> This Article appears in the dDCO (albeit is in square brackets) but not does not appear in the dEM. The Applicant should ensure consider whether the Article should be included in both or neither and the numbering of the Articles should be matched up from this point on.
3.	Article 27	<i>Compulsory acquisition of rights and imposition of restrictive covenants (Article 26 in the dEM)</i> We note that the title of the Article has been amended in line with our October 2021 feedback, however the title in the dEM has not been altered. The Applicant should check that the wording of the Article's explanation in the dEM matches the Article wording in the dDCO and any other changes.
4.	Part 4	<i>Interpretation</i> There appears to be a missing heading for Part 4 in the dEM before Article 31/30 <i>Application of the 1981 Act</i> .
5.	Articles 37 and 38 (dEM)	<i>Felling or lopping of trees and removal of hedgerows and Trees subject to tree preservation orders</i> These Articles in the dEM are misnumbered.
6.	Article 39	<i>Felling or lopping of trees and removal of hedgerows (Article 37 in the dEM)</i> The Inspectorate refers the Applicant to it's feedback on this Article (previously Article 37) in the October 2021 feedback document.
7.	Part 7	<i>Miscellaneous and General</i> The heading appears to be in the wrong location in the dEM.



General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof 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.
2. [\[MHCLG\] 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.*”