
STATUTORY INSTRUMENTS

2024 No. 752

INFRASTRUCTURE PLANNING

The M3 Junction 9 Development Consent Order 2024

Made - - - - 16th May 2024

Coming into force in accordance with article 1

THE M3 JUNCTION 9 DEVELOPMENT CONSENT ORDER 2024

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions
4. Maintenance of drainage works

PART 2

PRINCIPAL POWERS

5. Development consent etc. granted by the Order
6. Maintenance of authorised development
7. Planning permission
8. Limits of deviation
9. Benefit of Order
10. Consent to transfer benefit of Order

PART 3

STREETS

11. Street works
12. Power to alter layout etc. of streets
13. Application of the 1991 Act
14. Construction and maintenance of new, altered or diverted streets and other structures
15. Classification of roads, etc.
16. Temporary stopping up and restriction of use of streets
17. Permanent stopping up and restriction of use of streets and private means of access

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18. Access to works
19. Clearways
20. Traffic regulation

PART 4

SUPPLEMENTAL POWERS

21. Discharge of water
22. Protective works to buildings
23. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

24. Compulsory acquisition of land
25. Compulsory acquisition of land – incorporation of the mineral code
26. Time limit for exercise of authority to acquire land compulsorily
27. Compulsory acquisition of rights and imposition of restrictive covenants
28. Public rights of way
29. Private rights over land
30. Modification of Part 1 of the 1965 Act
31. Application of the 1981 Act
32. Acquisition of subsoil or airspace only
33. Rights under or over streets
34. Temporary use of land for carrying out the authorised development
35. Temporary use of land for maintaining the authorised development
36. Statutory undertakers
37. Apparatus and rights of statutory undertakers in stopped up streets
38. Recovery of costs of new connections

PART 6

OPERATIONS

39. Felling or lopping of trees and removal of hedgerows
40. Trees subject to tree preservation orders

PART 7

MISCELLANEOUS AND GENERAL

41. Removal of human remains
42. Application of landlord and tenant law
43. Operational land for purposes of the 1990 Act
44. Defence to proceedings in respect of statutory nuisance
45. Protective provisions
46. Certification of plans etc.
47. Service of notices
48. Arbitration
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the administrative areas of Hampshire County Council and Winchester City Council and South Downs National Park Authority

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
 2. Time limits
 3. Environmental Management Plan
 4. Details of consultation
 5. Landscaping
 6. Implementation and maintenance of landscaping
 7. Fencing
 8. Land and groundwater contamination
 9. Archaeology
 10. Protected species
 11. Traffic management
 12. Detailed design
 13. Surface water drainage
 14. Noise Mitigation
 15. Height Restrictions
 16. Approvals and amendments to approved details
- PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
17. Applications made under requirements
 18. Further information
 19. Register of requirements
 20. Anticipatory steps towards compliance with any requirement
 21. Details of consultation

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

PART 1 — SPECIAL ROADS

PART 2 — TRUNK ROADS

PART 3 — ROADS TO BE DE-TRUNKED

PART 4 — CLASSIFIED ROADS

PART 5 — SPEED LIMITS

PART 6 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

PART 7 — REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

PART 8 — PUBLIC RIGHTS OF WAY TO BE CREATED

SCHEDULE 4 — PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS AND PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

1. In relating this Schedule to the rights of way and...
 - PART 1 — HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED
 - PART 2 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

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SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — REMOVAL OF HEDGEROWS

SCHEDULE 9 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 10 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. On street apparatus
4. Apparatus in stopped up streets
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus
10. Expenses and costs
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...
12. Cooperation
13. Nothing in this Part of this Schedule affects the provisions...

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have...
15. In this Part of this Schedule— “the 2003 Act” means...
16. The exercise of the powers conferred by article 36 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as a...

PART 3 — FOR THE PROTECTION OF SOUTHERN GAS NETWORKS PLC AS GAS UNDERTAKER

18. Application
19. Interpretation
20. On Street Apparatus
21. Apparatus of SGN in stopped up streets
22. Protective works to buildings
23. Acquisition of land
24. Removal of apparatus
25. Facilities and rights for alternative apparatus
26. Retained apparatus: protection of SGN
27. Expenses

28. Indemnity
29. Enactments and agreements
30. Co-operation
31. Access
32. Arbitration
33. Notices

PART 4 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

34. Application
35. Interpretation
36. Submission and approval of plans
37. Construction of protective works
38. Timing of works and service of notices
39. Works not in accordance with this Schedule
40. Maintenance of works
41. Remediating impaired drainage work
42. Agency access
43. Free passage of fish
44. Indemnity
45. Disputes

SCHEDULE 11 — DOCUMENTS TO BE CERTIFIED

Explanatory Note