

A46 Coventry Junctions (Walsgrave) Scheme number: TR010066

5.2 Consultation Report Annexes **Annex O: Tables evidencing regard had to section 51 advice**

APFP Regulations 5(2)(q)

Planning Act 2008

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

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Infrastructure Planning

Planning Act 2008

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

**A46 Coventry Junctions (Walsgrave)
Development Consent Order 202[x]**

CONSULTATION REPORT ANNEXES
Annex O: Tables evidencing regard had to section 51 advice

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010066
Application Document Reference	TR010066/APP/5.2
Author	A46 Coventry Junctions (Walsgrave) Project Team, National Highways

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Rev 0	November 2024	Application Issue

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O1. Introduction

1.1.1. This Annex provides information on section 51 advice provided by the Planning Inspectorate (The “Inspectorate”) in accordance with section 51 of the Planning Act 2008 during the pre-application period of the Scheme.

1.1.2. Section 51 of the Planning Act 2008 states:

“S51 Advice for potential applicants and others

(1) [This section applies to advice] about—

(a) applying for an order granting development consent;

(b) making representations about an application, or proposed application, for such an order.

(3) The Secretary of State may by regulations make provision about the giving of advice to which this section applies.

(4) In particular, regulations under subsection (3) may make provision that has the effect that—

(a) a request for advice made by an applicant, potential applicant or other person, or

(b) advice given to an applicant, potential applicant or other person, must be, or may be, disclosed by the Secretary of State to other persons or to the public generally.]”

1.1.3. In line with guidance published by the Inspectorate in August 2024 (Nationally Significant Infrastructure Projects: Advice on the Consultation Report) the Applicant should provide a summary of regard had to section 51 advice along with its Application for a Development Consent Order (DCO). The advice note states:

“Demonstrating regard to pre-application advice

The applicant’s consultation report should include evidence which demonstrates how they have had regard to the section 51 pre-application advice from the Planning Inspectorate and advice from the other statutory consultees which provide advice on behalf of the government.

Provision of this evidence will:

- *support the applicant's case to demonstrate that they have complied with the requirements of Part 5, Chapter 2 of the Planning Act*
- *give confidence to stakeholders that the applicant has considered the statutory advice received and made all reasonable efforts to submit a well prepared application*

There is no prescribed format for providing this evidence however it may be best presented in a table appended to the consultation report."

- 1.1.4. This Consultation Report Annex therefore fulfils the requirements of the guidance and provides evidence of regard had to section 51 advice from the Planning Inspectorate.

O2. Table evidencing regard had to section 51 advice

- 2.1.1. Table 1 below provides evidence of consideration to section 51 advice. The left column shows the Inspectorate's advice, with wording directly copied from their letters.
- 2.1.2. The parts of the Inspectorate's advice where the Applicant has provided evidence to show regard had to the advice is shown in **bold**.

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p>Inception Meeting note - 8 June 2023</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010066/TR010066-Advice-00001-1-FINAL%20230608%20A46%20Walsgrave%20Inception%20meeting%20note.pdf</p>	
<p><i>Summary of key points discussed, and advice given</i></p> <p><i>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.</i></p>	<p>The Applicant noted this. No response is required.</p>
<p><i>Proposed Development</i></p> <p><i>The Applicant introduced the location of the proposed development, which is the A46 Eastern Bypass located near Walsgrave and Coventry, forming a link between the M40 and M6.</i></p> <p><i>National Highways clarified that this project is part of a larger 'Road Investment Strategy' in order to create a free flow between the M40 and M6. Improvements at Binley have already been delivered under Highways</i></p>	<p>The Applicant noted this. No response is required.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>Act works and Walsgrave is the last junction in that section. The applicant stated that the preferred route (PRA) was announced in 2022 and the scheme includes a grade separated solution and two lanes of A road running in each direction, a dumbbell arrangement which incorporates roundabouts on top of embankments with a new bridge structure over the existing alignment of the A46 around the existing roundabout which is being removed.</i></p> <p><i>The junction would need to be restricted to 50mph, similar to nearby junctions. The applicant confirmed that they are delivering the project through a regional delivery partnership which is a design and build and they have engaged with Octavius to run through their PCF stages 3-7 and project buildability.</i></p>	
<p><i>Environmental Impact Assessment (EIA) Scoping</i></p> <p><i>The Applicant informed the Inspectorate that it is currently undertaking a Scoping Report. Key restraints for the site were listed as: Walsgrave Hospital emergency department, historic landfill sites, a Grade II listed building, a flood plain, a 132KV powerline, a SSSI, an Air Quality Management Area (AQMA) which covers the whole of Coventry City and a registered park and garden which covers most of Coombe Park and Coombe Pool, immediately to the east of the A46. National Highways stated that they had started discussions with the Environment Agency and Natural England in 2022. They will also keep them updated with PSO stage 3. With regards to Biodiversity Net Gain (BNG) target and approach, National Highways have a plus ten percent BNG target. The Applicant is currently investigating possible approaches to try and achieve this either onsite or offsite.</i></p>	<p>The Applicant noted this. No response is required.</p>

Table 1 – Evidence of regard had to Section 51 advice

Section 51 advice	Applicant's regard to section 51 advice
<p><i>National Highways stated that they are planning to submit the scoping report by 7 July and will also provide the GIS shapefile of the boundary to the Inspectorate ten working days prior.</i></p>	
<p><i>Environmental Surveys</i></p> <p><i>The Applicant stated that they had undertaken numerous ecology surveys over the last year and that they have been doing environmental survey work which will form part of the Environmental Statement (ES). Work on the wintering birds survey is still on-going. The Inspectorate enquired whether the wintering birds' surveys data is only from one year. The Applicant confirmed this. The Inspectorate advised that on other projects, Natural England (NE) have requested two years' worth of data and that the Applicant may need two years' worth of data for examination. The Applicant replied that they had not specifically queried this with NE to date but had informed NE of the surveys being undertaken. The Applicant was going to look into this and speak to Natural England once Discretionary Advice Service (DAS) agreement was in place.</i></p> <p><i>Surveys still left to be completed are: water features survey, landscape survey, noise survey, flood risk survey, soil resources and agricultural survey and heritage surveys including a geophysical survey and potential trial trenching. National Highways discussed that they are currently writing a Preliminary Ecological Appraisal (PEA). The Inspectorate queried the relevance of undertaking this in addition to the scoping report. The Applicant responded that they are trying to provide detail in order to agree to scope out certain topics from the ES. The Inspectorate suggested there may be limited benefit in undertaking</i></p>	<p>The Applicant consulted with NE regarding the Wintering Bird surveys and this is detailed in Environmental Statement (ES) Appendix 8.11 (Wintering Bird Report) (TR010066/APP/6.3).</p> <p>Natural England (NE) were issued, and commented on, the proposed wintering bird survey methodology. Natural England advised that two monthly surveys should be undertaken for the duration of the survey period (October 2023 to March 2024 inclusive) and that the methodology needs to include targeting shoveler <i>Anas clypeata</i> and other waterbirds due to the proximity of Coombe Pool Site of Special Scientific Interest (SSSI). In response to Natural England's comments two wintering bird surveys were undertaken monthly from October 2023 until March 2024 and two vantage points were incorporated into the survey design to survey the assemblage at Coombe Pool.</p>

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Section 51 advice	Applicant's regard to section 51 advice
<p><i>a high-level PEA based on previous meetings and feedback from relevant consultees.</i></p> <p><i>The Applicant informed the Inspectorate that the Environmental Statement will be submitted with the application, currently targeted for September 2024, and that a Habitats Regulations Assessment (HRA) screening determined that there was not likely to be any Adverse Effects on Integrity on any designated sites.</i></p> <p><i>The Inspectorate notified the Applicant that they will arrange for the project webpage to be set up to publish scoping documents and that they will publish the proposed DCO submission date as Autumn 2024.</i></p>	
<p><i>Stakeholder Engagement</i></p> <p><i>The Applicant discussed engagement with relevant Local Planning Authorities (LPAs) about the Development Consent Order (DCO) process. which may include a joint response to the draft Statement of Community Consultation (SoCC) and Local Impact Report (LIR). In addition, the Applicant has engaged with local businesses, environmental bodies, landowners, Parish Councils, the Warwickshire Local Economic Partnership LEP, the A46 Partnership and Midland Connect and Transport for West Midlands. National Highways has existing relationships with stakeholders from the completed Binley scheme and stated that further engagement from businesses, environmental bodies, Historic England and horse-riding groups is scheduled in run up to statutory consultation.</i></p>	<p>The Applicant noted this. No response is required.</p>
<p><i>Consultation</i></p>	<p>The Applicant noted this. No response is required.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>The Applicant commented that the options consultation was held in February 2022. Feedback suggested linking the scheme with a blue light access into the hospital, extra provision for Non-motorised users (NMU) routes and further engagement for speed limit enforcement.</i></p> <p><i>The Applicant allotted July/August 2023 for the draft SOCC consultation and October to December 2023 for statutory consultation. The Inspectorate enquired whether the Applicant is looking into entering into Planning Performance Agreements (PPA) with LPAs to assist with resourcing. The Applicant responded that no PPA's have been confirmed. The Inspectorate also asked whether any of the LPAs are preparing Local Plans. National Highways advised that Rugby Borough Council will be going through consultation this year on their Local Plan and they identified the possibility for a PPA and are going to discuss resourcing with Warwickshire County Council.</i></p>	
<p>Development Consent Programme</p> <p><i>The Applicant is currently engaging with the host local authorities: Coventry City Council, Warwickshire County Council and Rugby Borough Council on technical input into the scheme.</i></p> <p><i>They stated that they are aiming for DCO submission in September 2024. National Highways were aware of changes with the NSIP regime and review of the National Policy Statement (NPS). The Inspectorate advised the Applicant in regard to draft documents that a response could be expected 6-8 weeks after submission to the Inspectorate. The Applicant should allow sufficient time before the</i></p>	<p>The Applicant submitted the draft documents to the Inspectorate on the 1 August 2024. A response to the documents with comments was received from the Inspectorate on the 6 September 2024. This allowed sufficient time for the documents to be updated before the DCO Application submission on 14 November 2024.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<i>submission of the DCO to make any changes to documents following receipt of advice.</i>	
<p><i>Compulsory Acquisition and Crown Land Issues</i></p> <p><i>There is no Crown Land located in or around the scheme. National Highways outlined that there are two significant landowners who both have the same land agent. They have recently been contacted about access for a land investigation.</i></p> <p><i>The Applicant highlighted that part of the scheme sits in the Green Belt which follows the local authority boundary on the western verge of the A46. The area also contains some local green space noted in the Coventry City Local Plan. The Inspectorate suggested that the Applicant familiarise themselves with the A57 link Roads DCO approach to Green Belt considerations. The Applicant also noted that there is a development that has progressed at Walsgrave Hill Farm which proposed 900 dwellings to the west of the A46. The proposed hospital link is contained within this junction. The Inspectorate verified that there is no demolition of residential properties to facilitate this scheme.</i></p>	<p>The Applicant has reviewed the A57 link Roads DCO approach to Green Belt considerations and has set out the Green Belt approach in Section 6 the Case for the Scheme (TR010066/APP/7.1).</p>
<p>AOB</p> <p><i>The Applicant agreed the scheme name for the project was A46 Coventry Junctions Walsgrave. The Applicant highlighted that the next steps are to send the Inspectorate the red line boundary and the scoping report submission.</i></p> <p><i>The Applicant suggested further meetings pre and post statutory consultation.</i></p>	<p>The Transport Assessment (TR010066/APP/7.3) sets out where surveys were undertaken prior to the COVID-19 pandemic and the reasons why this is acceptable.</p> <p>For the traffic modelling, as shown in the Transport Assessment</p>

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<p><i>PINS had some final queries for the Applicant including about the farm bridge displayed on the site map. The Applicant responded that they were not sure if the bridge will be affected or not and will get this clarified.</i></p> <p><i>The Inspectorate also asked if the overhead powerline will stay on the existing alignment. National Highways confirmed that the powerlines will remain unaffected and that there are no other NSIP projects that are planned around the site.</i></p> <p><i>The Inspectorate asked when the traffic modelling was being undertaken and the Applicant clarified that a survey was completed in 2019 by the LPA's. The Inspectorate suggested making it clear that the surveys were undertaken prior to the Coronavirus pandemic. Lastly the Inspectorate asked about legal representation and the appellant said they have counsel at National Highways who are leading and have access to the statutory template but will also have an external legal support appointed this summer.</i></p>	<p>(TR010066/APP/7.3) due to the impact of COVID-19 travel restrictions and the traffic management in place for the construction of the A46 Binley junction between 2019 and early 2023, traffic conditions within this time period were not considered likely to reflect normal operating conditions.</p> <p>Further, a combined economic assessment of both the A46 Binley and Walsgrave Junctions against a background of a no A46 Coventry Junction Scheme upgrades is required.</p> <p>As such, a base model is needed dating prior to the construction of Binley and hence use of any surveys post Autumn 2019 would not be appropriate due to the combined impact of COVID-19 travel restrictions and the road works associated with the construction of the Binley junction upgrade. In addition, global adjustments were made to the Variable Demand Modelling to account for COVID-19.</p> <p>Traffic counts obtained from National Highways' TRIS database indicated that the</p>

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	<p>traffic flow pattern on A46 at the existing Walsgrave Junction remains generally consistent across the three year period of 2017-2019.</p> <p>Therefore, it is considered that all survey data collected for the options selection stage was still relevant and suitable for continued use in the preliminary design transport modelling and no new surveys were required.</p> <p>Although traffic levels have not grown as much as expected before the Covid-19 pandemic, these are still expected to increase making congestion worse in future years both for the A46 Walsgrave Junction and across the wider area.</p> <p>The base year model does use pre-Covid-19 traffic levels to allow the model to be validated against observed data. However, the forecast year transport modelling then incorporates adjustments to the future year predicted growth in traffic in response to post Covid-19 conditions. This is in line with current Department for Transport (DfT) Transport Assessment Guidance and the National</p>

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	<p>Highways Transport Planning Group guidance note 'Accounting for COVID-19 in Modelling and Appraisal'. This reduces the overall level of demand at each forecast year for both the 'with Scheme' and 'without Scheme' scenarios.</p> <p>Details on the development of the models, are described in the Transport Assessment (TR010066/APP/7.3).</p> <p>For the economic appraisal, as detailed in the Case for the Scheme (TR010066/APP/7.1), a 5-year period for observed accidents is recommended and as such, the 2015-2019 data collated as part of the option selection stage assessment were appended to the data set to avoid periods affected by COVID-19 travel restrictions or the construction of the A46 Binley Improvement Scheme.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
Project Update Meeting note - 26 September 2023 https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010066/TR010066-Advice-00002-1-FINAL%20230926%20A46%20Walsgrave%20Project%20Update%20Meeting%20note.pdf	
<p><i>Summary of key points discussed, and advice given</i></p> <p><i>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.</i></p>	<p>The Applicant noted this. No response is required.</p>
<p><i>State of Community Consultation (SoCC) Feedback</i></p> <p><i>The Applicant detailed their SoCC engagement with Coventry City Council (CCC), Rugby Borough Council (RBC) and Warwickshire County Council (WCC) that ran from July to August 2023.</i></p> <p><i>The Applicant discussed CCC's preference of referring to 'protected characteristic groups' instead of 'hard to reach/seldom heard' groups. The Applicant detailed their plans to hold multiple events in Rugby in response to both RBC and WCC's feedback in the SoCC.</i></p> <p><i>The Inspectorate enquired about any protected characteristic groups in the local area surrounding the scheme. The Applicant informed that they have not been made aware of any.</i></p>	<p>The Applicant noted this. No response is required.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>Approach to Statutory Consultation</i></p> <p><i>The Applicant stated that their Statutory Consultation period will run for 6 weeks from 25 October to 6 December 2023, including three consultation events, four pop up events and a webinar.</i></p> <p><i>The Applicant detailed plans of splitting the consultation zone into an 'Inner' and 'Outer' zone. The 'Inner' zone contains approximately 2,000 people who will receive an information brochure while the 'Outer' zone contains approximately 13,000 people who will receive an information postcard.</i></p> <p><i>The Applicant has arranged six deposit locations: three at Local Authority offices and three at local venues close to the scheme.</i></p> <p><i>The Applicant detailed supplementary communications including press releases, social media and briefings to stakeholders.</i></p>	<p>The Applicant noted this. No response is required.</p>
<p><i>Section (s)42</i></p> <p><i>The Applicant notified the Inspectorate of s42 consultees: Approximately 95 prescribed bodies, 18 Local Authorities (Las) and approximately 40 land interests.</i></p>	<p>The Applicant noted this. No response is required..</p>
<p><i>Section 46 submission</i></p> <p><i>The Applicant enquired about the Inspectorate's preferred method for submission of the s46 notice.</i></p> <p><i>The Inspectorate advised on the best method and both the Inspectorate and the Applicant agreed to arrange a convenient time to test before submission.</i></p>	<p>The section 46 notice was submitted via OneDrive link as agreed with the Planning Inspectorate.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>Revised Draft Order Limits</i></p> <p><i>The Applicant informed the Inspectorate that they have revised the Draft Order Limits reducing the order limits from approximately 36.7ha to approximately 34.5ha due to scheme refinements. The Applicant considers that the changes would not result in a requirement to change the scope of the Environmental Impact Assessment (EIA). The Applicant informed the Inspectorate that where boundaries have increased, additional environmental assessments have been undertaken and the findings of these will be presented in the Environmental Statement (ES) where necessary. The Applicant stated plans to send revised Draft Order Limits and shapefile to the Inspectorate.</i></p> <p><i>However, on Wednesday 11 Oct 2023, the Applicant has advised that these will be sent as part of the Statutory Consultation Documents.</i></p>	<p>The Applicant noted this. No response is required.</p>
<p><i>Materials, Assets and Waste</i></p> <p><i>The Applicant recognised that the Inspectorate, within the Scoping Opinion, did not agree that enough information was supplied with the Applicant's Scoping Report regarding 'Materials, Assets and Waste' to scope this topic out of the ES at this stage. The Inspectorate stated that, as per the Scoping Opinion, their main concern in scoping out 'Materials, Assets and Waste' was the reliance on the availability of suitable materials for import and that there is currently insufficient information that the material would be available in the future.</i></p> <p><i>The Applicant discussed their Environment team's plans to scope this out of the ES, by which further evidence to justify their approach. The Applicant</i></p>	<p>The Applicant consulted the Environment Agency, Rugby Borough Council and Warwickshire County Council, and Coventry City Council. Correspondence is detailed in Section 10.4 of ES Chapter 10 (Material Assets and Waste) (TR010066/APP/6.1).</p> <p>An assessment of significant effects in terms of material assets and waste has not been scoped out and is included in ES Chapter 10 (Material Assets and Waste) (TR010066/APP/6.1). Previous calculations in the</p>

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Section 51 advice	Applicant's regard to section 51 advice
<p><i>enquired about which consultation bodies would be most appropriate and relevant to discuss the scope of the ES with. The Inspectorate advised discussions with the Environment Agency, regarding permits and exemptions, and the LA with responsibility for materials and waste management. However, as per the Scoping Opinion, the Inspectorate advised that the Applicant should ensure to consult with all relevant Statutory Consultees.</i></p>	<p>Scoping Report (TR010066/APP/6.8) were based upon an earlier design of the Scheme and included some assumptions (for example it assumed that the asphalt could not be recycled). As the design has developed the figures have changed since the earlier calculations.</p> <p>Subsequently, the ES Chapter has been prepared which considers the use of material assets in accordance with requirements set out in Design Manual for Roads and Bridges (DMRB) LA 110 (Highways England 2019). The quantitative assessment in the Chapter uses the most recent data provided in the Principal Contractor's bill of quantities based upon the preliminary design presented for development consent. Best practice measures to be implemented to achieve waste reduction targets are documented in the Outline Site Waste Management Plan (Outline SWMP) which is Appendix B.2 to the First Iteration EMP ((TR010066/APP/6.5)). The implementation of the First Iteration EMP will be secured through the draft DCO (TR010066/APP/3.1). Measures within the Outline SWMP and First Iteration EMP are detailed in Section 10.10</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
	<p>(Design, mitigation and enhancement measures) of ES Chapter 10 (Material Assets and waste) (TR010066/APP/6.1).</p> <p>Section 10.6 of ES Chapter 10 (Material Assets and Waste) (TR010066/APP/6.1) includes an assumption and limitations section where any uncertainties are noted.</p> <p>Regard had to the Scoping Opinion response ID 3.6.3 is provided in Section 2.6 of ES Appendix 4.1 (Scoping Opinion Response) (TR010066/APP/6.1).</p>
<p><i>Plans and Scales</i></p> <p><i>The Applicant enquired about plan scaling and the Inspectorate confirmed that the example shown during the meeting was a standard drawing commonly used. The Inspectorate recommended that the Applicant considers Applications: Prescribed Forms and Procedures (APFP) Regulation 6 when developing building plans and documents. The Inspectorate enquired about new structures and the Applicant confirmed one new bridge will be constructed.</i></p>	<p>The Applicant has considered Applications: Prescribed Forms and Procedures (APFP) Regulation 6 when developing plans and documents, and the Scheme adheres to these regulations, as shown in the suite of plans submitted for the Application, Plans 2.1 – 2.11 (TR010066/APP/2.1 – 2.12).</p>
<p><i>Submission</i></p> <p><i>The Applicant informed the Inspectorate that they aim to submit the DCO application in September 2024.</i></p>	<p>The Applicant has been in regular contact with the Inspectorate throughout the pre-application period.</p>

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Section 51 advice	Applicant's regard to section 51 advice
<p><i>The Inspectorate recommended keeping regular correspondence regarding dates and schedules.</i></p> <p><i>The Applicant enquired about early submission and the Inspectorate advised that the project timeline is decided by the Applicant, but they require sufficient notice due to required pre-submission tasks and resource planning.</i></p> <p><i>The Applicant informed the Inspectorate that they aim for draft documents submission in early May 2024.</i></p> <p><i>The Inspectorate advised the Applicant on which documents are often included in draft documents submission and recommended leaving sufficient time after receiving feedback to edit documents prior to submitting them as part of the application.</i></p> <p><i>The Inspectorate enquired about any other developments that would create conflicts for LAs, recommending directing the LAs to the Advice Notes on the National Infrastructure website to allow them to better understand the process. The Inspectorate recommended that the applicant have discussion with LAs to ensure they have appropriate schemes of delegation in place to allow speed in decision making. The Applicant confirmed they are having fortnightly meetings with CCC, RBC and WCC.</i></p>	<p>The Applicant let the Inspectorate know that the target submission date had changed to November 2024 at the 12 June 2024 Project Update Meeting.</p> <p>The Applicant submitted the draft documents on 1 August 2024, which allowed time after receiving feedback to edit documents prior to submitting them as part of the application in mid November.</p> <p>Other developments have been discussed with LAs as discussed in ES Chapter 15 (Combined and Cumulative Effects) (TR010066/APP/6.1). Regular correspondence has been undertaken with LAs with their key contacts.</p>
<p><i>Specific decisions / follow-up requirement</i></p> <p><i>The following actions were agreed:</i></p> <ul style="list-style-type: none"> <i>• The Inspectorate requested a flythrough of the project to aid with understanding.</i> <i>• The applicant plans to send revised Draft Order Limits and shapefile to the Inspectorate. – (This</i> 	<p>The Applicant noted this. No response is required.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>has now changed, and the Applicant will send as part of the Statutory Consultation).</i></p> <ul style="list-style-type: none"> <i>The Inspectorate and the Applicant will organise a date for a meeting to update the Inspectorate and their Statutory Consultation feedback.</i> <i>The Inspectorate will locate the Inception meeting note and send to the Applicant.</i> 	
<p>Project Update Meeting note – 26 March 2024</p> <p>TR010066-Advice-00003-1-240326 FINAL A46 Walsgrave Project Update Meeting Note.pdf (planninginspectorate.gov.uk)</p>	
<p><i>Summary of key points discussed, and advice given</i></p> <p><i>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.</i></p>	<p>The Applicant noted this. No response is required.</p>
<p><i>Changes to Proposed Development</i></p> <p><i>The Applicant stated that the draft order limits around the ponds in the North-West of the scheme map had reduced significantly with the removal of the northern-most balancing pond, it had decided to retain the farm access bridge in the middle of the scheme map for a potential future use as a walking, cycling and horse riding route, and altered the vertical alignment of the B class road to the north of the project.</i></p>	<p>The Applicant noted this. No response is required.</p>

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Section 51 advice	Applicant's regard to section 51 advice
<i>The Applicant stated that except for these details, the rest of the scheme is unchanged from the previous meeting.</i>	
<p><i>Statutory Consultation Overview</i></p> <p><i>The Applicant informed that the statutory consultation ran from October to December 2023 and detailed the responses received from Coventry City Council, Warwickshire County Council, Rugby Borough Council, Transport for West Midlands, the Environment Agency and Natural England.</i></p> <p><i>The Applicant stated that the initial target for the consultation period was 43 days, but this was later extended to 59 days to accommodate newly identified Category 3 Land Interests.</i></p> <p><i>The Applicant informed that it held three public information events at community venues for 'pop up' events using the National Highways mobile engagement van, one webinar and briefing with all three host Local Authorities.</i></p> <p><i>The Inspectorate enquired about how the results of the consultation would be addressed in the consultation report. The Applicant stated that it had delegated each individual comment to specialised teams to evaluate and compare with other comments and the Applicant would communicate if and how the proposals are amended along with reasons in the consultation report.</i></p>	The Applicant noted this. No response is required.
<p><i>Review of Documents</i></p> <p><i>The Applicant informed that the proposed draft document submission target is late May to early June 2024 and suggested a staggered document</i></p>	One submission of the documents for the Inspectorate's review was made on 1 August 2024.

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Section 51 advice	Applicant's regard to section 51 advice
<p><i>submission. The Inspectorate stated that one submission of all the documents was preferable, and that feedback would be sent to the Applicant after the meeting.</i></p>	<p>The documents included:</p> <ol style="list-style-type: none"> 1. Document 2.2 Land Plans 2. Document 2.3 Work Plans 3. Document 3.1 draft Development Consent Order (dDCO) 4. Document 3.2 Explanatory Memorandum (EM) 5. Document 4.1 Statement of Reasons (SoR) 6. Document 4.2 Funding Statement (FS) 7. Document 4.3 Book of Reference (BoR) 8. Document 5.1 Consultation Report (CR) 9. Document 6.2 ES Chapter 1 - Introduction 10. Document 6.2 ES Chapter 2 – Scheme Description <p>A meeting to discuss the Inspectorate's comments on the documents was held on 10 October 2024.</p>
<p><i>DCO Submission</i></p> <p><i>The Applicant gave an updated Development Consent Order (DCO) application submission target of October 2024.</i></p>	<p>The Applicant kept the Inspectorate informed regarding the submission date by updating the Inspectorate at the project update meetings.</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<i>The Inspectorate requested the Applicant to keep the Inspectorate updated regarding submission dates.</i>	
<p><i>Any Other Business and Questions</i></p> <p><i>The Applicant stated that the date of the next meeting is still to be confirmed, by they would like the agenda to cover Draft Order Limits, Scheme Design and Materials, Assets and Waste.</i></p> <p><i>The Applicant asked the Inspectorate about advice with good design and if there were any documents that could be referred to. The Inspectorate responded that good design is becoming increasingly important in Nationally Significant Infrastructure Projects (NSIPs) and especially in road schemes, therefore good design needed to be an important part of every stage of the application process.</i></p>	<p>Good design has been incorporated into the Scheme and how the Scheme has adhered to the regard to the 10 principles of good design which are outlined in DMRB GG 103 and The Road to Good Design 2018 are shown in the Scheme Design Report (TR010066/APP/7.4).</p>
<p><i>Specific decisions / follow-up required?</i></p> <p><i>The following actions were agreed:</i></p> <ul style="list-style-type: none"> <i>The Inspectorate planned to send further guidance on the submission of draft documents in relation to the Applicant's preference of a staggered submission.</i> <i>The Inspectorate and the Applicant to organise a date for a follow-up meeting towards the end of April.</i> 	<p>The Applicant noted this. No response is required.</p>
Project Update Meeting note – 12 June 2024	

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<u>TR010066-Advice-00004-1-240612 FINAL A46 Walsgrave Project Update Meeting Note.pdf (planninginspectorate.gov.uk)</u>	
<p><i>Summary of key points discussed, and advice given</i></p> <p><i>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.</i></p>	The Applicant noted this. No response is required.
<p><i>General Scheme Update</i></p> <p><i>The Applicant stated that the scheme layout has been subject to a number of design revisions, and the updated scheme design includes a signalised pedestrian crossing, new environmental mitigation / compensation areas, the use of 1:3 slopes for embankment design, a re-alignment of B4082, the retention of the Hungerley Hall Farm (HHF) bridge, removal of an existing embankment at the eastern extent of the order limits, upgraded fencing on the highway boundary, the removal of noise barriers which are no longer required after carrying out a noise risk assessment, an enlarged western roundabout, shorter slip roads, maintenance layby, the removal of a planned construction haul road, provision of a temporary compound bridge construction and minor adjustments for signage.</i></p> <p><i>The Applicant also listed recent environmental related design changes arising from statutory consultation. These included the provision of ecological mitigation such as badger fencing and tunnels, water management features such as a potential northern pond, temporary flood bund installations and permanent drainage outfall and landscape measures</i></p>	The Applicant noted this. No response is required.

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>such as mitigation planting and a more development landscape design. The Applicant also stated that order limits had expanded slightly after statutory consultation to accommodate the changes listed above, to align with boundaries, and to include land within a Site of Special Scientific Interest (SSSI) to enable fencing work.</i></p> <p><i>The Inspectorate asked for clarification that Affected Persons (APs) have been informed of the above changes. The Applicant confirmed the above had been communicated to all APs and that no new landowners are affected.</i></p>	
<p><i>PINS draft documents review and submission date</i></p> <p><i>The Inspectorate advised the Applicant of the process for submitting draft documents, and for them to inform the Inspectorate of any novel drafting of the Development Consent Order (DCO) compared to previous projects.</i></p> <p><i>The Inspectorate enquired whether there is any consideration in the drafting of the DCO regarding the recent boundary changes in the scheme design. The Applicant responded that they are considering whether additions are required, such as permission related to working within SSSIs.</i></p>	<p>The Applicant took on board the Inspectorate's advice on the process for submitting draft documents. There is no novel drafting of the DCO compared to previous projects. The Applicant submitted a draft copy of the DCO on 1 August 2024 for the Planning Inspectorate to review.</p>
<p><i>Material assets and waste</i></p> <p><i>The Inspectorate enquired about the Applicant's current position on their previous query on materials assets and waste and noted that a response to outline their position which was due to be sent to the Inspectorate had not yet been received. The Applicant also stated that consultation has so far been carried out with the Environment</i></p>	<p>The Applicant responded to the Inspectorate regarding their approach to Material Assets and Waste on the 1 October 2024 via email.</p> <p>An assessment of significant effects in terms of material assets and waste has not</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
Agency, Rugby Borough Council and Warwickshire County Council, and are awaiting Coventry City Council's response.	been scoped out and is included in ES Chapter 10 (Material Assets and Waste) (TR010066/APP/6.1).
<p><i>Implications of Advice Note Fourteen for the consultation report</i></p> <p>The Inspectorate advised The Applicant to pay attention to potential future revisions of Advice Note Fourteen before submission. The Inspectorate also advised that the Applicant should also be aware of a new adoption of the National Networks National Policy Statement (NN-NPS).</p>	<p>With regards to Advice Note Fourteen – this was replaced with the Nationally Significant Infrastructure Projects: Advice on the Consultation Report guidance on 8 August 2024. The Applicant has adhered to this guidance as demonstrated in the Consultation Report (TR010066/APP/5.1) and its Annexes (TR010066/APP/5.2).</p> <p>The Applicant has based the A46 Coventry Junctions (Walsgrave) Scheme DCO Application on the revised version of the National Networks National Policy Statement (NPS NN) which was designated in May 2024. The Scheme adheres to this NPS NN as shown in the NPS NN Accordance tables (TR010066/APP/7.2).</p>
<p><i>Any Other Business and Questions</i></p> <p>The Applicant enquired about their obligations under the new Pre-App Prospectus. The Inspectorate advised that they should respond to the Inspectorate by the given deadline stating</p>	The Applicant submitted their response to the Pre-application Prospectus to the Inspectorate in the form of an Expression of Interest on 10 July 2024, stating that they

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<p><i>which tier of pre-application service they wish to enter into.</i></p> <p><i>The Inspectorate proposed that the next project update meeting can be combined with the draft document feedback in late September.</i></p> <p><i>The Applicant confirmed their submission date will be in November 2024.</i></p>	<p>wished to enter into Tier 1 (Basic Tier).</p> <p>The Inspectorate responded on 22 August 2024 stating that the Applicant was in Tier 1.</p>
<p><i>Post meeting note</i></p> <p><i>With regard to recent changes to legislation and regulations, the applicant should refer to transitional provisions as stated in part 1 & 4 of The Infrastructure Planning (Miscellaneous Provision) Regulations 2024 to ensure that the application complies with recent changes to legislation. The Applicant may also wish to familiarise themselves with changes set out in part 6 of The Infrastructure Planning (Examination Procedure) (Amendment) Rules 2024.</i></p>	<p>The Applicant has referred to transitional provisions as stated in part 1 & 4 of The Infrastructure Planning (Miscellaneous Provision) Regulations 2024 to ensure that the Application complies with recent changes to legislation.</p> <p>The Applicant has endeavored to familiarise itself with changes set out in part 6 of The Infrastructure Planning (Examination Procedure) (Amendment) Rules 2024.</p>
<p><i>Specific decisions / follow-up required?</i></p> <p><i>The following actions were agreed:</i></p> <ul style="list-style-type: none"> <i>The Applicant to respond regarding their approach to the assessment for materials, assets and waste.</i> 	<p>The Applicant responded to the Inspectorate regarding their approach to Material Assets and Waste on the 1 October 2024 via email.</p> <p>An assessment of significant effects in terms of material assets and waste has not been scoped out and is included in ES Chapter 10</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<ul style="list-style-type: none"> <i>The Inspectorate to assess whether this project will be affected by changes to APFP Regulations and the Pre-App Prospectus.</i> <i>The Inspectorate and the Applicant to organise a date for a follow-up meeting towards the end of September.</i> 	(Material Assets and Waste) (TR010066/APP/6.1).
Project Update Meeting note – 10 October 2024 https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010066/TR010066-Advice-00005-1-A46%20Coventry%20Junctions%20Walsgrave-Advice%20Log-%2015%20October%202024.pdf	
<p><i>Draft Documents Review queries</i></p> <p><i>The Inspectorate confirmed that feedback given at draft document review stage is just advice for the applicant to take on board. With regard to Land Plans the idea is that they are accessible and clear for all users. The Inspectorate will provide further clarity after the meeting.</i></p>	<p>Regard had to the draft document review advice is shown in the table within this document “Section 51 advice regarding draft application documents submitted by National Highways”.</p> <p>The Applicant sent an email to ask for further clarity regarding the Land Plans after the meeting. To date, a response has not yet been received.</p>
<p><i>New advice & guidance published</i></p> <p><i>The Inspectorate advised that where the Applicant is not able to adhere to the new advice and guidance, due to their documents being at an advanced stage and it submitting the application next month for</i></p>	<p>The Applicant has set out what advice and guidance it has not been able to comply with and the reason for this in the Introduction to Application (TR010066/APP/1.3).</p>

Table 1 – Evidence of regard had to Section 51 advice	
Section 51 advice	Applicant's regard to section 51 advice
<i>acceptance, that it should set out what it has not been able to comply with and the reason for this.</i>	
<p><i>DCO Submission</i></p> <p><i>The Inspectorate confirmed that importance of the Applicant keeping it up to date if the submission date will change.</i></p>	The Applicant noted this comment.
<p><i>DCO Submission</i></p> <p><i>The Inspectorate advised the Applicant to submit its application in office hours as if it is received after 5pm it will be treated as being received the next working day.</i></p>	The Applicant noted this comment.
<p><i>Similar Projects</i></p> <p><i>The Inspectorate noted that other National Highways road network projects have just started examination and first written questions will be available soon. The Inspectorate suggested that the Applicant look at these to plan ahead for its project.</i></p>	The Applicant noted this comment and is reviewing other National Highways road network projects as they progress through the Examination.

Section 51 advice regarding draft application documents submitted by National Highways

On 1 August 2024 National Highways submitted the following draft documents for review by the Inspectorate as part of its Pre-application Service¹:

1. Document 2.2 Land Plans
2. Document 2.3 Work Plans
3. Document 3.1 draft Development Consent Order (dDCO)
4. Document 3.2 Explanatory Memorandum (EM)
5. Document 4.1 Statement of Reasons (SoR)
6. Document 4.2 Funding Statement (FS)
7. Document 4.3 Book of Reference (BoR)
8. Document 5.1 Consultation Report (CR)
9. Document 6.1 Environmental Statement (ES) Chapter 1 - Introduction
10. Document 6.1 ES Chapter 2 – Scheme Description
11. Document 6.1 ES Chapter 3 – Assessment of Alternatives
12. Document 6.1 ES Chapter 4 – Environmental Assessment Methodology
13. Document 6.3 ES Appendix 8.12 – Habitats Regulations Assessment Report

The comments were received by the Applicant from the Inspectorate on 6 September 2024.
Table 2 demonstrates the Applicant's regard to the section 51 advice.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>
Planning Inspectorate Scheme Reference: TR010066
Application Document Reference: TR010066/APP/5.2

Table 2 - Section 51 advice regarding draft application documents			
Ref No.	Paragraph/Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
2.2 Land Plans			
	2.1.9	<i>The abbreviation 'DCO' is used. In paragraph 2.1.5 'DCO' will need to be put in brackets after 'Development Consent Order'</i>	This has been updated in the Land Plans (TR010066/APP/2.2) and the sentence reads: "Land within the existing highway boundaries is also included within the area shown to be permanently acquired under the Development Consent Order (DCO)."
		<i>Ensure cut lines for each continuation sheet are clear and match up across all plan sheets.</i>	The Applicant has reviewed and updated the Land Plans (TR010066/APP/2.2) as required to ensure the cut lines for each continuation sheet are clear and match up across all plan sheets.
	Sheet 3 of 5	<i>As above – ensure there are clear cut lines across all plan sheets as per APFP Reg 5(2)(i).</i>	The Applicant has reviewed and updated the Land Plans (TR010066/APP/2.2) as required to ensure there are clear cut lines across all plan sheets as per APFP Reg 5(2)(i).
		<i>The Applicant should consider having lines between the cut lines for the insets and the zoomed in scale boxes to show easily where they are.</i>	The Applicant has amended the Land Plans (TR010066/APP/2.2) so that the lines between the cut lines for the insets and the zoomed in scale boxes show easily where they are.
		<i>Sheets 2a and 3a are just titled 'Sheet 2, Inset 2D' and 'Sheet 2, Inset 3C' and should be titled 'Sheet 2A....' and 'Sheet 3A...'</i>	The Applicant has amended the titles of the sheets on the Land Plans (TR010066/APP/2.2) as suggested.

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
	Sheet 1 of 5	<i>Please identify in the key the small triangle to the right of Plot 1/4 which is edged red but not coloured or numbered.</i>	This is an error and should not have been included, the Land Plans (TR010066/APP/2.2) Sheet 1 has been amended to remove this.
	Sheet 3 of 5	<i>Ensure in '3A' all plots are labelled.</i>	This has been reviewed and all the plots are now labelled in the Land Plans (TR010066/APP/2.2).
	Sheet 2 of 5	<i>Ensure all plot numbers are in the cut lines as well as the zoomed in scale box.</i>	All plots are clearly labelled on the Land Plans (TR010066/APP/2.2).
4.3		<i>In the BoR it would be useful if the description of the land for the pink and blue plots stated whether it was to be acquired permanently or used temporarily with rights acquired permanently for consistency.</i>	This information is already provided in Table 3.1 'Relationship with the Land Plans and draft DCO', within the Book of Reference (TR010066/APP/4.3).
4.3		<i>In the BoR, ensure all plots are labelled on each sheet. i.e. 2/3b are described in relation to 'Coventry Eastern Bypass, A46' but on Sheet 2 for example this road is not labelled. This is the same for Sheet 3 with 'Coventry Eastern Bypass, A46' not being labelled and also 'Pearl Hyde Community Primary School'.</i>	Coventry Eastern Bypass (A46) has been added to all sheets of the Land Plans (TR010066/APP/2.2), Pearl Hyde Community Primary School label is already visible on Sheet 3, so this is not changed.
3.1		<i>The dDCO does not appear to show the plots that are to be acquired permanently.</i>	The Applicant's draft DCO (TR010066/APP/3.1) includes Schedule 6 (Land in which new rights only etc. may be acquired) and Schedule 8 (Land of which temporary possession only may be taken). It is not the convention in drafting DCOs to include a schedule which lists all plots for

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			which permanent acquisition is sought. Details of the plots for which permanent acquisition is sought are set out in the Book of Reference (TR010066/APP/4.3). Therefore, the Applicant does not consider it necessary to include a list of the plots for which permanent acquisition is sought in the draft DCO.
4.1		<i>Ensure you can differentiate between the pink and blue shaded land on the SoR.</i>	Table 4-1 in the Statement of Reasons (TR010066/APP/4.1) describes the Land Interests required for the Scheme and the respective colours on the Land Plans (TR010066/APP/2.2).
2.3 Works Plans			
		<i>Ensure plots are clearly defined.</i>	Work numbers are hatched and labelled in accordance with the description mentioned in Schedule 1 of the draft DCO (TR010066/APP/3.1).
		<i>Pages 3 and 5 of the work plans are not provided.</i>	The plans provided for the review were examples only. The Works Plans (TR010066/APP/2.3) submitted for the DCO Application include all sheets 1-5 and a Key Plan.
3.1 dDCO			
	Schedule 1	<i>The Applicant should ensure that all works are fully and accurately described in the schedules.</i>	The Applicant has updated Schedule 1 of the draft DCO (TR010066/APP/3.1) to ensure all

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			works are fully and accurately described.
	Schedule 2 – Requirement 1 / Schedule 11 Documents to be certified	<i>Requirement 1 (interpretation) refers to the “ground investigation report” and “preliminary environmental design” as being required to be approved as per schedule 11, however these documents are not listed in schedule 11. Please ensure the documents are listed in schedule 11.</i>	References to ‘Ground Investigation Report’ and ‘Preliminary Environmental Design’ have been removed from the draft DCO (TR010066/APP/3.1).
	Schedule 2 Requirement 4 / Schedule 11 Requirements	<i>Document 6.5 (First Iteration Environmental Management Plan (EMP)) indicates that this will include the Register of Environmental Actions and Commitments (REAC). However, requirement 4 does not refer directly to the REAC as being part of the first iteration EMP. The Applicant may wish to update requirement 4 to reflect the inclusion of the REAC.</i>	The Applicant has updated Schedule 2 Requirement 4 of the draft DCO (TR010066/APP/3.1) which now explicitly refers to the REAC (Appendix A of the First Iteration Environmental Management Plan) (TR010066/APP/6.5).
	Article 52 Crown Rights	<i>Should this say “His” Majesty?</i>	The Applicant has updated Article 52 to ‘His Majesty’ of the draft DCO (TR010066/APP/3.1).
3.2 EM			
	Various	<i>The Inspectorate notes that a number of documents utilise a bullet point summary of the Proposed Development, however these are not presented consistently as follows: Document 3.2 Explanatory Memorandum section 2.4 – 14 sections labelled A - N. Ensure consistency with numbering or lettering.</i> <ul style="list-style-type: none"> • Document 4.1 Statement of Reasons section 2.1 	The Applicant has updated the following documents to ensure the summary of the Scheme is consistent with ES Chapter 1 (Introduction) (TR010066/APP/6.1), paragraph 1.1.3: <ul style="list-style-type: none"> • Explanatory Memorandum (TR010066/APP/3.2) paragraph 2.4(a)-(n)

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<p>– 10 sections as unlabelled bullet points. Should this be 14 sections for consistency?</p> <ul style="list-style-type: none"> • Document 6.2 Chapter 1 section 1.1 – 14 sections as unlabelled bullet points. • Document 6.3 HRA section 1.2 – 14 sections as unlabelled bullet points. <p>Similarly, a more detailed description of works is given in the following documents with similar inconsistencies noted:</p> <ul style="list-style-type: none"> • Document 3.1 draft DCO Schedule 1 – 28 works or parts of works labelled 1a to 4a. • Document 4.1 Statement of Reasons paragraph 2.5.1 – 28 works listed as A – BB. In order to be consistent this should be referenced as 1A – 4A. <p>It would be beneficial to ensure any summary of the Proposed Development is consistent in terms of number of and labelling of entries.</p>	<p>of the draft DCO (TR010066/APP/3.1);</p> <ul style="list-style-type: none"> • Habitats Regulations Assessment Report paragraph 1.2.1 ES Appendix 8.12 (TR010066/APP/6.3); and • Statement of Reasons paragraph 2.1.1 (TR010066/APP/4.1). <p>The Applicant has updated the Statement of Reasons (TR010066/APP/4.1) paragraph 2.5.1 to align with the works descriptions in Schedule 1 of the draft DCO (TR010066/APP/3.1).</p>
4.1 SoR			
	Various	<p>The Inspectorate notes that a number of documents describe the area of the order limits and areas of acquisition, however these are not presented consistently as follows:</p> <ul style="list-style-type: none"> • Document 4.1 Statement of reasons section 2.1.2 – 36.66ha total, 34.66ha permanent acquisition, 1.94ha temporary acquisition, 0.06ha not described. 	<p>The consistency of the land areas presented in the Statement of Reasons (TR010066/APP/4.1) and ES Chapter 2 (TR010066/APP/6.1) has been checked and amended.</p> <p>The area within the draft Order Limits covers an area of approximately 36.62ha. Of this approximately 34.66ha will be permanently</p>

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<ul style="list-style-type: none"> <i>Document 4.1 Statement of reasons Table 4-1 – 13.56ha permanent acquisition, 21.1ha already under the ownership of National Highways, 1.94ha temporary acquisition, 0.02ha acquisition of permanent rights, 0.04ha not described</i> <i>Document 6.2 ES Chapter 2 section 2.5.6 – 34.6ha permanent acquisition, 2.0ha temporary acquisition, 0.06ha not described</i> <p><i>It would be beneficial to ensure any description of the area of the order limits and types of acquisition is consistent.</i></p>	acquired for the operation of the Scheme, including the proposed environmental mitigation area which covers approximately 3.6ha. Approximately 1.95ha will be required temporarily during the construction phase and approximately 0.01ha will be permanent acquisition of rights over land.
	Page 8	<i>Work plans provided as per APFP 5 (2) (j) but please see comments above in Work Plans review.</i>	Works Plans (TR010066/APP/2.3) have been included with the DCO application.
		<i>The Applicant should provide Rights of Way Plans as per APFP 5 (2) (k).</i>	Rights of Way and Access Plans (TR010066/APP/2.4) have been included with the DCO application.
4.2 Funding Statement			
	2.1.4	<i>The Inspectorate is unable to provide comment or cross check Annex B in the SoR regarding compensation payments as this is currently left blank. Ensure Annex B is inserted into the SoR.</i>	Annex B is now included in the Statement of Reasons (TR010066/APP/4.1), this has been submitted as part of the DCO application.
4.3 Book of Reference (BoR)			
		<i>Cannot see that all Category 3 people are also present in</i>	The Applicant has undertaken a full review to

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<i>Category 1 as described in the introduction 2.1.4.</i>	ensure all Category 2 parties appearing in part 1 have been included in part 3 of the Book of Reference (TR010066/APP/4.3).
5.1 Consultation Report			
	2.2.5	<i>Ensure s42 letters or s48 notice, is submitted in the Consultation Report as part of the application,</i>	Annex H of the Consultation Report (TR010066/APP/5.2) contains Section 42 letters and Annex F contains Section 48 notices.
		<i>The Applicant should ensure that a copy of the s48 notice/sample of s42 is included within the application.</i>	As above.
6.1 ES Chapter 1 - Introduction			
		<i>No comment.</i>	N/A.
6.1 ES Chapter 2 – The Scheme			
	2.1.3	<i>The term “at grade” is not defined within the ES chapter, and as such may not be known to a non-technical audience. Please consider alternative wording which is defined in the ES chapter.</i>	The Applicant has updated ES Chapter 2 (TR010066/APP/6.1) to explain the term “at grade”.
	2.2.4	<i>The Applicant may wish to consider detailing whether the proposed scheme would also enable secondary development (residential development or improvements in access to existing commercial areas. Any such proposal should be detailed within the application documents and assessments.</i>	The objectives of the Scheme are not to directly enable other development, however, as detailed in the Case for the Scheme (TR010066/APP/6.1) the Scheme will enable future residential development opportunities by providing potential means of access to A46, such as those to the west of the A46 allocated in the Coventry Local

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			Plan. An example includes Walsgrave Hill Farm Allocation (H2:3) which provides a projected 900 homes. This is not yet a committed scheme so cannot be fully assessed.
	2.4.1	<i>Under the subheading of hydrological, flood risk and geological receptors, the 3rd bullet point appears to be intended to describe the River Sowe and Withy Brook. No description is given for the Withy brook, and the paragraph instead refers to the smite brook which is described in the bullet point above. Ensure all bullet points are clearly described as there is no description for the Withy Brook.</i>	The Applicant has updated ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to remove reference Withy Brook as this is an upstream tributary of the River Sowe and is not impacted by the Scheme.
	2.5.5	<i>Paragraph 2.5.5 states that utility diversions may be required, which contradicts with paragraph 4.6.2 of Chapter 4 which specifies that no diversions are required. Please be clear regarding diversions and if they are required.</i>	No utility diversions are required for the Scheme and the Applicant has updated ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to reflect this and align with ES Chapter 4 (Environmental Assessment Methodology) (TR010066/APP/6.1).
	2.5.18	<i>The design of the road alignment to meet the Hungerley Hall Farm overbridge is noted to require the farm traffic turning onto and off of the main A46 alignment, whereas the current layout enables traffic to use the bridge to pass over the road. The Applicant may wish to provide an explanation of the design of this access point.</i>	Currently the Hungerley Hall Farm accommodation overbridge is a private means of access. Traffic is currently not able to use this bridge. The bridge will remain in private use and traffic will utilise the B4082 and the new dumbbell to access the mainline A46. Text in 2.5.28 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) has been amended to provide clarity.

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
	2.5.22	<i>Within this paragraph, and throughout where there is reference to the delivery of schemes in the future, the Applicant may wish to specify where this is relied upon as mitigation for the Proposed Development, or where these are considered to be separate future benefits that are not required to mitigate effects of the Proposed Development.</i>	Text in paragraph 2.5.22 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) has been amended to clarify the potential blue light route/hospital link road is being progressed by others. As stated in paragraph 2.5.22, the hospital link road is not part of the Scheme, therefore it is not relied upon as mitigation and has not been considered in the assessments. Benefits from any blue light route have also not been considered in this assessment as it is not part of the Scheme.
	2.5.40	<i>The paragraph refers to the terms "excellent" and "good" to describe the Agricultural Land Classification (ALC). The Applicant may wish to specify the ALC grade if known.</i>	Text has been amended in paragraph 2.5.40 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to add the ALC grade.
	2.5.42	<i>The Applicant may wish to confirm whether the new signalised crossing is within the order limits, and if so which works number this falls under.</i>	"As part of the Scheme" has been added to paragraph 2.5.42 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1). The Order Limits are shown on the Works Plans (TR010066/APP/2.3). The new signalised crossing is Work Number 2I.
	2.5.61	<i>It may be beneficial to ensure the naming of the drainage features matches the naming in the dDCO (southern, central and northern) in order to easily differentiate.</i>	Terminology has been agreed as a project team and updated in ES Chapter 2 (The Scheme) (TR010066/APP/6.1). A consistency check has been undertaken across all DCO documents so references to the features may have changed in

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			some documents.
	2.6.12	<p><i>The construction compound is not currently proposed to be within the red line boundary for dDCO as it has already secured planning permission.</i></p> <p><i>The ES project description chapter should clearly explain which works/ components form part of the Proposed Development as sought through the dDCO and any works/ components which would be consented separately and assessed as part of the cumulative effects assessment.</i></p> <p><i>Furthermore, whilst it is noted that the impacts of using this compound will be assessed within the ES, the Applicant is advised to address the impacts of using this compound in other relevant environmental assessments, including the HRA and Water Framework Directive Assessment.</i></p> <p><i>Separate to this, the Applicant should provide clear and detailed explanation of the planning history of the construction compound at a relevant point in the application.</i></p>	<p>ES Chapter 2 (The Scheme) (TR010066/APP/6.1) identifies the works/components that form part of the proposed development including the Brinklow Road compound. The works are also identified on the Works Plans (TR010066/APP/2.3), Sheet 1 identifies the location of the compound.</p> <p>The Brinklow Road site compound has existing planning permission which was secured for the previous Binley Junction Improvement Scheme, for which permission has been extended. This is stated in paragraph 2.6.12 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1).</p> <p>An environmental impact assessment of using the site as a site compound was undertaken as part of the original planning application as part of the Binley Scheme. This assessment has not been repeated as the planning permission has been granted to extend the end date of the use of the site as a compound based on the original EIA undertaken. The existing site compound forms part of the baseline environment and has already been consented and therefore does not form part of the cumulative assessment. The construction</p>

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			<p>traffic access routes from the Brinklow Road compound to the Walsgrave site will differ from those assessed as part of the Binley Junction scheme and therefore these have been assessed as part of the Walsgrave EIA and are included in ES Chapter 11 (Noise and Vibration) (TR010066/APP/6.1). An Outline Traffic Management Plan (TR010066/APP/7.5) has also been produced based upon these new construction access routes to the Walsgrave Scheme.</p> <p>Text has been added to paragraph 2.6.12 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to clarify this is not part of the consent sought and is outside the Order Limits.</p> <p>Further details on the planning history of the Brinklow Road compound is presented in the Case for the Scheme (TR010066/APP/7.1) Section 3.9.</p>
	2.6.25	<i>The draft chapter states that "After travelling on the public roads, a percentage of the HGVs transporting materials would enter the site at the defined access/egress points". The Applicant may wish to specify the percentage of HGVs.</i>	The text has been amended in ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to remove reference to "a percentage".
	2.6.27	<i>The Applicant may wish to specify where the assessments</i>	The assessment of effects from closures and

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<i>of effects from closures and diversions of the existing A46 and B4082 are undertaken within the ES.</i>	diversions is presented in ES Chapter 11 (Noise and Vibration) (TR010066/APP/6.1) and ES Chapter 12 (Population and Human Health) (TR010066/APP/6.1). It is not considered necessary to include signposting of where every individual element of construction is assessed as all technical assessments have considered all construction elements that are part of the Scheme that have an impact upon their relevant receptors.
	2.6.32	<i>The Applicant may wish to provide clarification on whether the staff who have the option of working at home are included in the worst-case assessment of staff travel to and from site.</i>	The numbers provided in ES Chapter 2 (The Scheme) (TR010066/APP/6.1) are for the worst-case assessment of staff on site, which includes those with the option of being able to work from home.
	2.6.42	<i>As no abstraction from watercourses is noted to be required, the Applicant may wish to specify the source of water for construction works and potable water where known.</i>	Potable water source added to section 2.6 in ES Chapter 2 (The Scheme) (TR010066/APP/6.1). Different options will be explored for water supplies at the detailed design stage and thus these have not been mentioned in the ES (TR010066/APP/6.1) to allow flexibility for the Principal Contractor.
	2.6.45 / 2.6.61	<i>The terminology and volumes of fill material is noted to vary between these paragraphs: 2.6.45 – 240,000m³ total, 12,000m³ topsoil, 12,000m³</i>	The paragraphs have been updated in ES Chapter 2 (The Scheme) (TR010066/APP/6.1) and this has been checked and amended in other

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<p><i>subbase.</i></p> <ul style="list-style-type: none"> <i>2.6.61 – 191,000m³ imported material consisting of 163,000m³ imported general fill, 16,000 m³ asphalt, 12,000m³ subbase, no reference to topsoil</i> <p><i>The final version should ensure consistency in these volumes and specify where the material volumes are considered to be imported or site won material (as “fill” is used currently to describe total fill and imported material). Any changes / clarification should be carried forwards to the relevant assessment chapters.</i></p>	ES Chapters (TR010066/APP/6.1).
	2.6.45	<i>The Applicant may wish to detail the sources of material for import where known.</i>	Sources of material in ES Chapter 2 (The Scheme) (TR010066/APP/6.1) cannot be specified at the current time as they are not known.
	2.6.47	<i>Whilst paragraph 2.5.39 specifies the purpose of the current bund is unknown, the works described in 2.6.47 refer to flood level (as does the description given in Table 3-8 of ES Chapter 3). The Applicant may wish to detail where the flood risks during construction (i.e. without this bund in place) have been considered.</i>	The text has been amended in paragraph 2.6.47 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to provide more detail on the bund works. Impacts related to flood risk during construction are presented in the ES Chapter 13 (Road drainage and the water environment) (TR010066/APP/6.1).
	2.6.48	<i>The height of the new bund is given; however, it is not clear whether this bund is intended to serve multiple purposes e.g. flood defence, noise mitigation, landscape and visual</i>	Text has been amended in paragraph 2.6.47 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) to provide more detail on

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<i>mitigation etc. The Applicant may wish to consider detailing how the bund height has been arrived at, and how the requirements to mitigate multiple effects (if this is the case) do not conflict with each other.</i>	the bund works and how the height has been determined. The reinstatement of part of the bund is not required for any environmental mitigation.
	2.7.1	<i>Whilst it is noted that no major maintenance activities are required in the first five years, the Applicant may wish to signpost where any monitoring / maintenance / replacement of failed mitigation measures e.g. planting is secured.</i>	The landscape section (paragraphs 2.7.6 and 2.7.7) in ES Chapter 2 (The Scheme) (TR010066/APP/6.1) describes maintenance for the mitigation measures proposed which is contained in the Outline Landscape and Ecology Management Plan. Monitoring requirements are detailed in the Register of Environmental Actions and Commitments (REAC) which is Appendix A to the First Iteration EMP (TR010066/APP/6.5).
	Throughout	<i>It is noted that there are a number of instances of typographic errors, missing words / punctuation and missing / error references.</i>	The ES (TR010066/APP/6.1) documents have been checked and updated.
6.1 ES Chapter 3 – Assessment of Alternatives			
	3.3.13	<i>The options given in paragraph 3.3.13 do not include reference to the 6 groups specified in Table 3-1, and as such it is not clear which description they were assessed under.</i>	The design families in ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1) were to categorise the nature of the options, each of the 30 options was assessed irrespective of which design family it came under. Of the 30 options Table 3-1 lists those 10 that were taken forward. The design

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			family category assigned had no implication for the assessments and was only a way of categorising the options due to the significant number of options that were considered.
	3.3.13	<i>The table given as 6-2 may also benefit from following the table numbering of the chapter for clarity.</i>	Table number added.
	3.3.26	<i>This paragraph states that options 6, 7 and 8 were discounted, however the remainder of the chapter until 3.3.42 continues to assess these options.</i>	Paragraph 3.3.34 to 3.3.41 in ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1) is about selection of the preferred option so provides a recap of the options and the main environmental reasons for discounting. This has been included at the request of the Applicant.
	3.3.26 and 3.3.27	<i>No link or reference is provided to the A46 Coventry Junctions Upgrade (Walsgrave) Stage Overview Report 2020 or Environmental Assessment Report 2022, despite the ES referring to these. The Applicant may wish to provide this for ease of navigation.</i>	Reference has not been provided in ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1) as these are not published documents so are not in the public domain.
	Table 3-8	<i>This table states that "This flood protection level has been determined through hydraulic modelling that has been agreed with the Environment Agency". The Applicant may wish to provide a signposting to where this agreement is detailed.</i>	A cross reference has been added in ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1) to the Flood Risk Assessment ES Appendix 13.1 (TR010066/APP/6.3).

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
	Table 3-8	<i>In relation to the design event information, Table 3-8 specifies the bund would be designed for a 1 in 100 year plus 32% allowance, whereas paragraph 2.5.65 of ES Chapter 2 states that drainage features are designed for a 1 in 100 year plus 20% allowance.</i>	The bund is not a drainage feature and therefore is designed to different criteria.
	Table 3-9	<i>Where the boundary is noted to have changed between scoping, statutory consultation and submission, the Applicant may wish to detail whether this has changed the individuals or statutory / non statutory bodies that are required to be consulted.</i>	This is considered in the Consultation Report (TR010066/APP/5.2). The changes to the Order Limits have been very minor and the statutory bodies did not change, however they were consulted on the changes in a non-statutory consultation. Any additional Section 42 consultees were also in a statutory targeted consultation.
6.1 ES Chapter 4 – Environmental Assessment Methodology			
	4.3.4	<i>The Inspectorate notes that comments from Warwickshire County Council were included in the Scoping Opinion were received on time, with subsequent comments published on the project page of the National Infrastructure website.</i>	Paragraph 4.3.4 of ES Chapter 4 (Environmental Assessment Methodology) (TR010066/APP/6.1) has been updated to refer to the additional responses from Warwickshire County Council.
	4.6.2	<i>The ES chapter notes that the decommissioning of the Brinklow Road compound would be in accordance with its planning permission. The Applicant may wish to consider the potential for cumulative / in combination effects of these works if it is not already included.</i>	The decommissioning of the Brinklow Road compound would be the last activity undertaken on site and undertaken in accordance with the planning permission. Paragraph 2.6.12 of ES Chapter 2 (The Scheme) (TR010066/APP/6.1) has been amended to make clear that the Brinklow Road compound is not part of the

Table 2 - Section 51 advice regarding draft application documents

Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
			Scheme. Developments to be included within the cumulative assessments were agreed with the Local Authorities.
	4.9.3	<i>The approach of undertaking the assessment of interrelationships (within scheme) in 4 chapters only is noted. Chapters which do not have a specific section may wish to clearly signpost to where the assessment for that chapter topic is presented.</i>	The ES Chapters (TR010066/APP/6.1) do not have a specific section on combined effects as this is presented in ES Chapter 15 (Cumulative and Combined Effects) (TR010066/APP/6.1) and draws upon the assessments in the four chapters listed in paragraph 4.9.3 of ES Chapter 4 (Environmental Assessment Methodology) (TR010066/APP/6.1).
	Throughout	<i>Where reference is made to the Scoping Opinion in relation to agreement of the scope, the specific section of the Scoping Opinion should be given.</i>	References to sections of the Scoping Opinion have been included where relevant in ES Chapter 4 (Environmental Assessment Methodology) (TR010066/APP/6.1).
	Throughout	<i>Where reference is made to the EIA regulations, the specific regulation or schedule should be given.</i>	Reference to the specific regulation or schedule have been included where relevant in ES Chapter 4 (Environmental Assessment Methodology) (TR010066/APP/6.1).
	Appendices	<i>It is noted that the appendices have not been provided for comment at this time.</i>	No response required.
6.3 ES Appendix 8.12 – Habitats Regulations Assessment Report			
	3.4.2	<i>The qualifying features of the sites identified are given in</i>	The qualifying features have been added to the

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<i>paragraph 3.4.2. It may also be beneficial to refer to these within the matrices provided in section 4.</i>	matrices of ES Appendix 8.12 – Habitats Regulations Assessment Report (TR010066/APP/6.3).
	3.4.2	<i>The distance given in paragraph 3.4.2 (10.1km for Ensor's Pool SAC) is inconsistent with ES chapter 2 paragraph 2.4.1 which states over 11.5km.</i>	ES Chapter 2 (The Scheme) (TR010066/APP/6.1) has been updated to align with HRA (ES Appendix 8.12 (Habitats Regulations Assessment Report) (TR010066/APP/6.3)).
	3.4.2	<i>The Applicant may also wish to consider providing the datasheets for the sites for reference.</i>	As the datasheets are 12 pages long per site the Applicant believes this would be an unnecessary addition to the document given that all relevant information for the designated sites has been included within this report (ES Appendix 8.12 – Habitats Regulations Assessment Report (TR010066/APP/6.3)).
	Section 4	<i>Within the matrices in section 4, the Applicant has indicated that there are no other projects or plans that together with the project being assessed could affect the site. The applicant may wish to provide the methodology for this approach, as it is noted that a cumulative / in combination effects assessment is proposed within the ES.</i>	The sentence, 'Given the distance between the designated site and the project there will be no effect on the designated site and therefore no in combination effects to consider' has been added to the matrices (ES Appendix 8.12 – Habitats Regulations Assessment Report (TR010066/APP/6.3)).
	Section 4	<i>Within the matrices in section 4, it is stated that "no consultation has taken place regarding this assessment". It</i>	Paragraph 4.10.2 in ES Chapter 4 (Environmental Assessment Methodology)

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Ref No.	Paragraph/ Section	Comment or question (The Planning Inspectorate)	Applicant's regard to section 51 advice
		<i>is however noted at 4.10.2 and 4.10.3 of ES Chapter 4 that "The HRA was submitted to Natural England during the preparation of the ES to confirm that an Appropriate Assessment is not required. Natural England agreed with the conclusions of the HRA". The Applicant may wish to provide any evidence of agreement with consultees within the HRA.</i>	(TR010066/APP/6.1) has been updated.
	Section 4	<i>Within the matrices in section 4, the headings of "level of assessment completed" and "where can the full results of the assessment be accessed and viewed" do not appear to have been answered in the line underneath.</i>	The level of assessment completed and where the results can be accessed and viewed have been added in Section 4 (ES Appendix 8.12 (Habitats Regulations Assessment Report) (TR010066/APP/6.3)).
	Appendices	<i>It is noted that the appendices have not been provided for comment at this time.</i>	No response required.
General			
1		<i>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.</i>	The Applicant has reviewed the DCO submission documents to ensure that document titles and references are included and are correct.

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2		<i>[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."</i>	The Application has been completed to the required standards in line with the MHCLG Application form guidance . It includes the required documentation set out in the Applications Regulations. Details of all the documents submitted as part of the Application are set out in the Covering Letter and Section 55 Checklist (TR010066/APP/1.2), and the Introduction to the Application (TR010066/APP/1.3).