



Our ref: TR010066

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18 December 2024

Dear Karl-Jonas,

**A46 COVENTRY JUNCTIONS (WALSGRAVE) – TR010066
RESPONSE TO ADVICE RECEIVED FROM THE PLANNING INSPECTORATE UNDER
SECTION 51 OF THE PLANNING ACT 2008**

The Planning Inspectorate (the ‘Inspectorate’) issued a decision on behalf of the Secretary of State to accept the above Application for examination on 12 December 2024. In doing so, the Inspectorate made some initial observations in relation to the Application and following issue of the decision, it provided National Highways (‘the Applicant’) with advice under section 51 of the Planning Act 2008 (PA2008) in respect of these observations (‘the section 51 advice’).

The Applicant has updated a number of application documents in response to the section 51 advice and now provides this updated documentation for the Inspectorate’s consideration.

Table 1 below sets out how each particular aspect of the section 51 advice has been addressed.

Table 1 The Applicant’s response to the section 51 advice

Ref.	Section 51 advice received from the Inspectorate	The Applicant’s response to the section 51 advice
1	Consultees identified on a precautionary basis Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the	ESP Pipelines Ltd have been added to the prescribed consultee list under s42(1)(a) of PA2008 and will be served notice of the accepted application under s56(2)(a) of the PA2008.

Ref.	Section 51 advice received from the Inspectorate	The Applicant's response to the section 51 advice
	<p>bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.</p> <p>Box 6 of the Section 55 checklist states: <i>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</i></p> <ul style="list-style-type: none"> • <i>ESP Pipelines Ltd</i> 	
2	<p>Funding Statement (Doc 4.2) In relation to Page 5, there is no capital cost estimate for the Proposed Development. This should be provided in an updated document.</p>	<p>A capital cost estimate has been added to the Funding Statement (TR01006/APP/4.2) in Paragraph 2.2.1.</p>
3	<p>Environmental Statement – Appendix 13.1 – Flood Risk Assessment (Doc 6.3) Whilst it is noted that the exception test appears to consider the requirements of Flood Zone 3b, the FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b. It is also unclear from the information presented whether the Proposed Development would result in no net loss of floodplain storage. The Applicant should respond to the Inspectorate as soon as practicable to confirm the location and extent of Flood Zones 3a and 3b and how this corresponds to the application of the exception test and the proposed flood mitigation/ compensation. If components would be located within Flood Zone 3b, the Applicant should provide confirmation that there would be no net loss of floodplain storage, in line with the principles of the exception test.</p>	<p>A technical note has been added as Appendix G to Environmental Statement – Appendix 13.1 – Flood Risk Assessment (TR01006/APP/6.3).</p> <p>Flood Zone (FZ) 3 is defined as the 1 in 100-year flood extent. This can also be referred to as FZ3a. In order to define the FZ3b extent, a 1 in 30-year flood event had to be simulated, which has done as part of the technical note.</p> <p>Section 10 of the Flood Risk Assessment has been amended to respond to this section 51 advice and provide reference to Annex G.</p> <p>Paragraph 11.1.19 of the Flood Risk Assessment has also been amended to provide further clarity regarding there being no requirement for floodplain compensation.</p>
4	<p>Minor errors and omissions There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.</p>	<p>See responses below.</p>

Ref.	Section 51 advice received from the Inspectorate	The Applicant's response to the section 51 advice
	Please note this list is not exhaustive and other errors and omissions may be identified during pre-examination and examination. Response	
4a	Plans The Applicant should ensure that all key features are clearly identified on plans. For example, on the Special Category Land Plans (Doc 2.8), plots 2/2 and 2/1e not clearly identified as open space land.	The Special Category Land Plans (TR01006/APP/2.8) have been reviewed and amended in accordance with the section 51 advice, hatching has been added to clearly identify the open space land (plots 2/2 and 2/1e) within the Order Limits and this has been added to the Legend. This is only applicable to Sheets 1 and 2 of the Plans.
4b	Also, in General Arrangement (Doc 2.6), the proposed maintenance layby and Hungerley Farm Overbridge are not clearly identified.	The General Arrangement (TR01006/APP/2.6) has been reviewed and amended in accordance with the section 51 advice, with labels added to clearly identify the proposed maintenance layby and the existing Hungerley Hall Farm Accommodation Overbridge. This is only applicable to Sheets 2 and 4 of the Plans.
4c	Statement of Reasons (Doc 4.1) Plots 2/2 and 2/1e should appear in the last line of the table as open space land only to be compulsorily acquired for a temporary purpose	The two plots of open space land are not being compulsorily acquired for a temporary purpose, they are only subject to temporary possession. The Applicant has therefore not added them to that entry in Table 7-1 of the Statement of Reasons (TR01006/APP/4.1).
4d	Environmental Statement - Appendix 7.1 – ZTV and Verified Photomontage Methodology (Doc 6.3) The cover page for the Environmental Statement Appendix 7.1 ZTV and Verified Photomontage Methodology has been incorrectly labelled as 6.1 instead of 6.3.	The front cover of Environmental Statement Appendix 7.1 ZTV and Verified Photomontage Methodology (TR01006/APP/6.3) has been amended to show document reference 6.3 instead of 6.1.
4e	Environmental Statement – Appendix 13.1 – Flood Risk Assessment (Doc 6.3) Whilst it is noted that the exception test appears to consider the requirements of Flood Zone 3b, the FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b (See accompanying s51 advice).	See Ref 3 above.

In addition to the changes made to directly respond to the section 51 advice, the Applicant has independently identified one amendment required to Environmental Statement Appendices - Appendix 8.11 Wintering Bird Report, where a figure has been amended.

Table 2 provides a complete list of all documents being submitted by the Applicant, whether these be in response to the section 51 advice, or as a result of the Applicant independently identifying an amendment as being required. The reasons for the documents being required an update is provided.

The documents have been submitted in clean and tracked change versions.

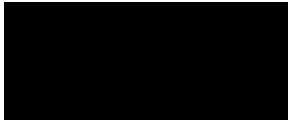
Table 2 List of updated documents

Document Title	Document Number	Planning Inspectorate Document Reference	Revision	Reason for Update
General Arrangement	TR010066/APP/2.6	APP-017	Rev 1	To respond to the section 51 advice. See Table 1, Ref 4b.
Special Category Land Plans	TR010066/APP/2.8	APP-019	Rev 1	To respond to the section 51 advice. See Table 1, Ref 4a.
Funding Statement	TR010066/APP/4.2	APP-009	Rev 1	To respond to the section 51 advice. See Table 1, Ref 3.
Environmental Statement Appendices Appendix 7.1 ZTV and Verified Photomontage Methodology	TR010066/APP/6.3	APP-070	Rev 1	To respond to the section 51 advice. See Table 1, Ref 4d.
Environmental Statement Appendices - Appendix 8.11 Wintering Bird Report	TR010066/APP/6.3	APP-086	Rev 1	To make a minor amendment, independently identified by the Applicant: During consultation with Natural England, it was brought to our attention that Cirl Bunting, a rare species for the locality, had been shown on Figure 2. The inclusion of this was an error. This species was not present on site and not recorded during surveys. This has been removed from

Document Title	Document Number	Planning Inspectorate Document Reference	Revision	Reason for Update
				Figure 2. No changes to the Report were necessary.
Environmental Statement Appendices - Appendix 13.1 Flood Risk Assessment	TR010066/APP/6.3	APP-101	Rev 1	To respond to the section 51 advice. See Table 1, Ref 3.

Please do not hesitate to make contact should you wish to seek clarification on any of the matters detailed within this letter.

Yours sincerely,



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