

# **A46 Coventry Junctions (Walsgrave)**

## **Scheme number: TR010066**

### **4.1 Statement of Reasons**

Planning Act 2008

APFP Regulation 5(2)(h)

Infrastructure Planning (Applications: Prescribed Forms and  
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**A46 Coventry Junctions (Walsgrave)**

Development Consent Order 202[x]

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**STATEMENT OF REASONS**

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<b>Regulation Number</b>	Regulation 5(2)(h)
<b>Planning Inspectorate Scheme Reference</b>	TR010066
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**Annex A Details of the purpose for which compulsory acquisition and temporary possession powers are sought**

**Annex B Schedule of all objections to the granting of compulsory acquisition powers and progress of negotiations with land interests subject to compulsory acquisition powers**

**Annex C Use of Special Category Land**

## 1 Introduction

### 1.1 Summary

- 1.1.1 This Statement of Reasons (this “Statement”) relates to an application, made by National Highways (the “Applicant”) to the Secretary of State for Transport via the Planning Inspectorate (the “Inspectorate”) under section 37 of the Planning Act 2008 (the “2008 Act”) for a Development Consent Order (DCO). If made, the DCO would grant consent for the Coventry Junctions (Walsgrave) Scheme (the “Scheme”).
- 1.1.2 This Statement has been prepared in accordance with the requirements of 5(2)(h) of the Infrastructure Planning (Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) and the Planning Act 2008: ‘Guidance related to procedures for compulsory acquisition of land’ (DCLG, September 2013) (the CA Guidance).
- 1.1.3 The purpose of this Statement is to demonstrate that the powers of compulsory acquisition and temporary possession sought in the **draft DCO (TR010066/APP/3.1)** are necessary, proportionate, justified, and that the legislative and policy tests are met. Detail is provided in Chapter 3 of this Statement concerning the extent and nature of the powers sought and how this is set out in the application documents.

### 1.2 The Scheme

- 1.2.1 The Scheme is a Nationally Significant Infrastructure Project (NSIP) within sections 14(1)(h) and 22(1)(b) of the 2008 Act. Further information regarding how the Scheme qualifies as an NSIP can be found in the **Explanatory Memorandum (TR010066/APP/3.2)** that forms part of this application.
- 1.2.2 As the Scheme is an NSIP, development consent must be obtained from the Secretary of State to authorise it, and an application for a DCO must be made to the Secretary of State under section 37 of the 2008 Act.
- 1.2.3 In summary the Scheme comprises:
- A grade separated junction approximately 0.8km to the north of the existing roundabout location.
  - Re-alignment of the dual carriageway through the existing junction.
  - A single lane carriageway connecting the new junction to the B4082.
  - Environmental mitigation.

- 1.2.4 A more detailed description of the Scheme can be found in the **Environmental Statement (ES) Chapter 2 (The Scheme) (TR010066/APP/6.1)**.

### 1.3 Compulsory Acquisition

- 1.3.1 In its application for the Scheme, the Applicant seeks compulsory acquisition and temporary possession powers in respect of certain land interests. A detailed description of the extent and nature of the powers sought is set out by reference to the DCO application documents in **Chapter 3** of this Statement.

### 1.4 Land Interests

- 1.4.1 The extent of the land interests affected by the compulsory acquisition and temporary possession powers sought by the Applicant in relation to the land (the “Land”) is described in **Chapter 4** of this Statement.
- 1.4.2 The Applicant has carried out diligent inquiry, as required by the APFP Regulations and having regard to the CA Guidance, to identify all the persons with an interest in the land shown on the **Land Plans (TR010066/APP/2.2)**, The “Land”, and the persons with a potential claim for compensation as a result of the Scheme. These persons have been consulted pursuant to section 42 and section 44 of the 2008 Act. The categories of persons identified, and the methods used to identify them are described in **Chapter 4** of this Statement by reference to the categories in the **Book of Reference (TR010066/APP/4.3)**.
- 1.4.3 The Applicant has entered into negotiations to acquire other parties’ interest in land by voluntary agreement and is progressing those discussions. These negotiations are not yet completed for all land interests. The current position on these negotiations is set out in **Annex B** of this Statement.
- 1.4.4 It is necessary to acquire the land interests by compulsory acquisition to enable the Scheme to be delivered. The acquisition of all land interests is necessary to enable the Scheme to be proceed. Further details are set out in Chapter 4 of this Statement.
- 1.4.5 The Applicant already owns a number of plots which are subject to rights of others which are incompatible with the construction and operation of the Scheme. In order to ensure that any such rights can be removed (and the persons benefitting from them are compensated for such removal) the Applicant’s own land has been included within the Land to which compulsory powers are sought will apply.

### 1.5 The Case for Compulsory Acquisition

- 1.5.1 This Statement sets out the reasons for the inclusion of compulsory acquisition powers within the **draft DCO (TR010066/APP/3.1)**. It explains that it is necessary to include compulsory acquisition powers within the **draft DCO (TR010066/APP/3.1)** so that the Applicant can acquire the land interests required for the construction and operation (including maintenance) of the Scheme that are not already in its possession. It also explains why powers of compulsory acquisition are necessary to enable the Applicant to use land temporarily and acquire, suspend, interfere with or extinguish rights over land. This is in order to construct and maintain the Scheme in a way that is both proportionate and in the public interest by reducing environmental impacts, minimising the cost to the Applicant (and hence the public purse) and mitigating the impact on affected land interests. This compelling case is evidenced further in the wider documentation that accompanies the application.
- 1.5.2 The powers of compulsory acquisition and temporary possession sought in the application are necessary, proportionate and justified. The powers sought are in accordance with all relevant statutory and policy guidance.
- 1.5.3 There is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought as set out in **Chapter 5** of this Statement. The conclusion of this Statement is that the grant of the compulsory powers requested would be lawful under all applicable legal regimes.

## 1.6 Human Rights

- 1.6.1 In preparing the **draft DCO (TR010066/APP/3.1)**, the Applicant has had regard to the European Convention of Human Rights and the Human Rights Act 1998. **Chapter 6** of this Statement considers how the Scheme complies with this legislation notwithstanding any infringement of private rights of those whose interests in the Land may be affected by the exercise of powers of compulsory acquisition and temporary possession.

## 1.7 Special Considerations

- 1.7.1 In **Chapter 7** of this Statement, the Applicant has identified all special category land, where this is applicable, which is affected by the compulsory acquisition powers sought in the **draft DCO (TR010066/APP/3.1)**. The Applicant has engaged with the persons responsible for the relevant special category land and with a view to avoiding the need for special parliamentary procedures in accordance with the relevant sections of the 2008 Act. The special category land that is subject to this Scheme is only subject to temporary possession, and therefore replacement land is not required. The Applicant has further considered what other consents are required in order to enable the Scheme to proceed and set out how these will be secured, as

demonstrated in the Consents and Agreements Position Statement (TR010066/APP/3.3).

## **1.8 Compliance with statutory requirements and policy guidance**

1.8.1 This document has been prepared in accordance with the requirements of Regulation 5(2)(h) of the APFP Regulations and the CA Guidance.

1.8.2 This Statement is required because the **draft DCO (TR010066/APP/3.1)**, if made, would confer upon the Applicant the compulsory acquisition powers described in this Statement, including the power to acquire land outright, the power to acquire rights over land, the power to extinguish rights over land and the power to occupy land temporarily for construction and maintenance purposes.

1.8.3 This Statement forms a suite of documents accompanying the application submitted in accordance with section 55 of the 2008 Act and Regulations 5 and 6 of the APFP Regulations and should be read alongside the other application documents that relate to the compulsory acquisition powers sought by the Applicant, including:

- **Draft DCO (TR010066/APP/3.1)**
- **Explanatory Memorandum (TR010066/APP/3.2)**
- **Book of Reference (TR010066/APP/4.3)**
- **Land Plans (TR010066/APP/2.2) (as per APFP 5(2)(i))**
- **Works Plans (TR010066/APP/2.3) (as per APFP 5(2)(j))**
- **Rights of Way and Access Plans (TR010066/APP/2.4) (as per APFP 5(2)(k))**
- **Funding Statement (TR010066/APP/4.2)**
- **Case for the Scheme (TR010066/APP/7.1)**
- **Introduction to the Application (TR010066/APP/1.3)**
- **Consents and Agreements Position Statement (TR010066/APP/3.3)**
- **National Networks National Policy Statement (NPS NN) Accordance Table (TR010066/APP/7.2)**
- **Environmental Statement (ES) (TR010066/APP/6.1)**
- **Environmental Statement Figures (TR010066/APP/6.2)**



- **Environmental Statement Appendices (TR010066/APP/6.3)**

## **2 The Scheme**

### **2.1 Description of the Scheme**

2.1.1 The Scheme consists of the following principal elements:

- Realignment of the existing A46 dual carriageway through the existing at grade roundabout (which will be removed), for approximately 880m to improve the road geometry and allow for a 50mph speed limit.
- Earthworks on the eastern side of the A46 mainline to facilitate the realignment through the existing at grade roundabout.
- A new grade separated junction over the A46 mainline, approximately 800m north of the existing Walsgrave junction to connect the B4082 with the A46.
- A new overbridge structure across the existing A46, between the dumbbell roundabouts forming the grade separated junction.
- New merge and diverge slip roads at the grade separated junction for both northbound and southbound movements.
- Realignment of the B4082 to form a single carriageway link road, for approximately 900m, to connect the local road network to the new A46 grade separated junction with a proposed 40mph speed limit.
- Road assets and street furniture such as traffic signs and lines, variable message sign (VMS), street lighting columns, vehicle restraint systems (VRS), fences, retaining walls and kerbs.
- Drainage systems including a detention basin and two ponds that will be designed to be permanently wet.
- Proposed new maintenance accesses to the drainage features and VMS.
- Retention of the Hungerley Hall Farm accommodation bridge (the existing bridge that provides farm vehicle access over the A46 mainline).
- Farm access track to the north of Hungerley Hall Farm to provide gated access to the B4082 link road.
- Improvements to facilities for walkers, cyclists and horse-riders (WCH) through provision of a signalised pedestrian crossing on the B4082; and providing enabling works, including the retention of Hungerley Hall

Farm accommodation overbridge, for a potential future WCH route to be provided by others.

- Replacement and installation of new highway boundary fencing.
- Replacement vegetation planting to compensate for the vegetation that needs to be removed to facilitate the Scheme.

2.1.2 The area within the Order Limits covers an area of approximately 36.62 hectares (ha). Of this approximately 34.66ha will be permanently acquired for the operation of the Scheme (which includes land already owned by the Applicant (18.36ha)), 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.

2.1.3 A more detailed description of the Scheme can be found in **ES Chapter 2 (The Scheme) (TR010066/APP/6.1)**:

2.1.4 The key objectives of the Scheme and how they will be achieved is as follows:

Topic	Objectives	How the Scheme Meets the Objectives
Growth	An SRN that supports and facilitates economic growth, supporting employment and residential development opportunities	<p>The Scheme will provide additional capacity and improved journey times to encourage economic growth in the local area as well as across the A46 corridor. This will help contribute to sustainable economic growth by supporting employment, and improving access to commercial areas. The A46 corridor also fulfils a key strategic role in linking the advanced manufacturing sector within the Warwickshire sub region, so improvements to the corridor will enhance this.</p> <p>The Scheme will enable future residential development opportunities by providing potential means of access to the A46 via the larger western roundabout, such as those to the west of the A46 allocated in the Coventry Local Plan. An example includes Walsgrave Hill Farm Allocation (H2:3) which provides a projected 900</p>

Topic	Objectives	How the Scheme Meets the Objectives
		<p>homes.</p> <p>The Economic Case Overview in Section 5 of the <b>Case for the Scheme (TR010066/APP/7.1)</b> provides more details of the economic benefits of the Scheme.</p>
Safety	An SRN that is maintained to safe and serviceable condition	<p>The Scheme will address operational issues by reducing congestion at the Walsgrave Junction, along the A46 and the B4082. It has been designed and will be built to current standards as set out in the Design Manual for Roads and Bridges (DMRB). The design of the Scheme has incorporated features to enhance safety to users, such as new VRS, warning signage of new layouts and agricultural traffic, new speed limits and appropriate lighting.</p> <p>The Transport Case for the Scheme, as set out in the <b>Case for the Scheme (TR010066/APP/7.1)</b> and the <b>Transport Assessment (TR010066/APP/7.3)</b> provide more detail on the safety benefits – the introduction of the Scheme leads to:</p> <ul style="list-style-type: none"> <li>• to a decrease in overall accidents, although a small shift towards a higher severity is seen.</li> <li>• Improved safety on local roads due to reduced traffic using that part of the network.</li> <li>• Improved safety on the wider SRN when taking account safety as a result of Binley and Walsgrave functioning together; and comparatively in regard to the levels of traffic reassigned to the SRN.</li> </ul>

Topic	Objectives	How the Scheme Meets the Objectives
Reduce congestion	Improve the operation and efficiency of the existing transport network, delivering capacity enhancements to the SRN	<p>Many sections of the A46 near Coventry have been upgraded by the Applicant to provide relief from traffic congestion and to improve journey times by increasing the capacity on the A46 between the M6 and the M40. The existing Walsgrave Junction on the A46 still remains a particular pinch point for traffic. There is concern that without improvements to the existing Walsgrave Junction, the delay caused by this Junction could undermine the existing investment and upgrades that have already been made on the A46. The Scheme is predicted to reduce traffic flows both on the strategic and local road network.</p> <p>The Transport Case for the Scheme (Section 4) of the <b>Case for the Scheme (TR010066/APP/7.1)</b> and the <b>Transport Assessment (TR010066/APP/7.3)</b> provide more detail on traffic movements.</p>
Reduce negative impacts	An SRN that minimises its negative impacts on users, local communities and the environment	<p>The Scheme design has considered local community access to the road network and reduce impacts during construction and operation on users, communities and the environment. These aspects are set out in <b>ES Chapters 5-15 (TR010066/APP/6.1)</b> with mitigation for adverse impacts caused by the Scheme embedded into the design.</p> <p>An <b>Outline Traffic Management Plan (TR010066/APP/7.5)</b>, which shows how traffic will be managed to reduce impact on the local communities during construction, and First Iteration <b>Environmental Management Plan (EMP) (TR010066/APP/6.5)</b>, which shows how the environmental impacts will be managed and mitigated during various activities for the construction and operation of the Scheme, accompany the application.</p>

Topic	Objectives	How the Scheme Meets the Objectives
Customer	An SRN that balances the need of individuals and businesses that use and rely upon it	<p>As detailed above, the Scheme has been designed to consider its users, including both members of the public and businesses.</p> <p>Public transport routes are expected to be more consistent due to reduction of congestion and delays on the A46 and the local road network.</p> <p>Road users are expected to have reduced and consistent journey times including to University Hospital Coventry, which impacts on a small number of users.</p> <p>Local roads generally show a reduction in flows due to increase flows on the A46 with the Scheme.</p> <p>The Scheme will provide a new signalised crossing on the B4082 and provide passive provision for potential new cycling and walking routes in the future. These aspects are set out in <b>ES Chapter 12 (Population and Human Health) (TR010066/APP/6.1)</b>.</p> <p>The Scheme will reduce congestion on the A46 this in turn will reduce negative impacts on users, local communities and the environment whilst balancing the need of individuals and businesses that use and rely upon the A46, thus having positive impacts on the economy.</p>
Environment	Reducing/minimising the impact on the wider environment, whilst seeking to bring enhancement	<p>The Scheme has been designed to reduce negative impacts on the wider environment by providing mitigation to any adverse impacts caused by the scheme, whilst seeking environmental enhancement and achieving a biodiversity net gain (BNG). More details are provided in the <b>ES Chapters 1-15 (TR010066/APP/6.1)</b>, and the <b>Environmental Masterplan</b> displays the ecological benefits of the Scheme (<b>ES Figure 2.4 (TR010066/APP/6.2)</b>).</p>

Topic	Objectives	How the Scheme Meets the Objectives
Maintenance	Operational maintenance to be considered holistically	The Scheme will be kept in a safe and serviceable condition with maintenance having been considered during design development. Detailed arrangements are also incorporated for the long-term management and maintenance of landscape features, as detailed in the <b>First Iteration EMP (TR010066/APP/6.5)</b> .

## 2.2 Case for the Scheme

- 2.2.1 The Road Investment Strategy 2 (RIS2) published in 2020 sets a long-term strategic vision for the network. With that vision in mind, it then specifies the performance standards National Highways must meet; lists planned enhancement schemes expected to be built; and states the funding that will be made available during the second Road Period (RP2), covering the financial years 2020/21 to 2024/25. The A46 Coventry junctions Scheme is listed as a committed scheme for RP2.
- 2.2.2 The A46 corridor forms part of the national Strategic Road Network (SRN) connecting the M1, M6 and the M69 with the M5 and provides links to the SRN and the rest of the country. The South Midlands Route Strategy Evidence Report (Highways Agency, 2014) indicated that sections of the A46 to the south and east of Coventry suffer from congestion and poor journey time reliability issues. These are likely to be exacerbated by future housing growth and economic aspirations. Many communities are located adjacent to the A46 and stakeholders have raised concerns regarding the pedestrian crossing points on and near the A46.
- 2.2.3 The A46 has historically experienced safety performance issues in comparison to the rest of the SRN (English A-road dual carriageway figures were obtained from data in the Reported Road Casualties on the Strategic Network, 2017). As part of the A46 Coventry junctions Scheme improvements at the A45/A46 Tollbar End junction, to the south of Coventry, to grade separate the A46 (N) to A45 (W) movements were completed in 2017 and work to upgrade the Binley junction started in March 2020, and was completed in February 2023. Conversion of a section of the M6 between junctions 2 and 4 into a smart motorway was completed in March 2020.

2.2.4 Following the completion of the Binley Junction improvement scheme in 2023 the Walsgrave junction is the only remaining roundabout east of Coventry and north of Tollbar End Junction that is at grade, and as such is a pinch point for traffic.

2.2.5 Chapter 3 of the **Case for the Scheme (TR010066/APP/7.1)** and the **National Networks National Policy Statement (NPS NN) Accordance Table (TR010066/APP/7.2)** sets out the case for the Scheme by reference to the NPS NN and other national and local policy.

### 2.3 Benefits of the Scheme

2.3.1 The Scheme has been identified as the best option to meet the defined need and Scheme objectives. The design has been developed to further meet the Scheme Objectives and is consistent with national and local planning objectives for transport, economy and the environment.

2.3.2 The Scheme accords with the development control policies of the Local Plans and related Supplementary Planning Documents by demonstrating through the chapters of the ES (**TR010066/APP/6.1**) and the Case for the Scheme (**TR010066/APP/7.1**) that the majority of unavoidable impacts on the natural and built environment can be mitigated. The public benefits of the Scheme outweigh any outstanding impacts that may remain.

2.3.3 The Scheme demonstrates compliance with the NPS NN, including the Government's strategic vision for the development of the national road network, wider policies for economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road users. Where unavoidable impacts are generated by the construction or operation of the Scheme it is demonstrated that the substantial and long-lasting transportation, economic and community benefits to the public, will outweigh any post mitigation local impacts.

#### Transport benefits

2.3.4 The Scheme is supported by a comprehensive Transport Assessment (**TR010066/APP/7.3**) that demonstrates:

- The Scheme provides additional capacity and improved journey times.
- The Scheme improves accessibility for local communities by reducing congestion along the A46 corridor.
- The Scheme improves operational issues by reducing congestion at the Walsgrave Junction, along the A46 and the B4082.



- The Scheme is predicted to reduce traffic flows on many local roads.
- The Scheme improves journey time reliability for the area.
- Public transport routes are expected to be more consistent on the local road network due to reduction of congestion and delays on the A46.

### **Social benefits**

- The Scheme provides additional capacity and improved journey times which may encourage housing and economic growth in the local area as well as across the A46 corridor.
- The Scheme provides a pedestrian crossing at the B4082's junction with Clifford Bridge Road which would provide safety benefits facilitating north to south movement across the B4082.
- The Scheme reduces severance between the Wyken and Binley communities through the installation of a controlled pedestrian crossing of the B4082 and allowing safer pedestrian movements. Many of these movements were attributed to unaccompanied minors reflecting pupils making their way to and from school.
- The installation of the pedestrian crossing may also encourage greater physical activity by providing enhanced WCH provision.
- Public transport routes reliability is expected to improve due to a reduction of traffic on local roads.
- Road users are expected to have reduced and consistent journey times, including journeys to University Hospital.
- Safety will be improved on local roads due to reduced traffic using that part of the network.
- Safety will be improved on the wider SRN when taking account safety as a result of Binley and Walsgrave functioning together; and comparatively in regard to the levels of traffic reassigned to the SRN.

### **Economic benefits**

- 2.3.5 When considering the Level 1 benefits, the A46 Coventry Junctions (Walsgrave) Scheme generates an initial Present Value Benefit (PVB) of £82.4 million and an initial Present Value Cost (PVC) of £56 million. This results in an initial (Benefit to Cost Ratio) BCR of 1.47 which suggests that

for each pound of Broad Transport Budget expenditure, £1.47 of benefit to public value is expected to be generated.

- 2.3.6 In line with TAG guidance, wider economic impacts (WEIs) and journey time reliability (JTR) are not part of the Level 1 BCR and therefore these are considered in the Level 2 benefits and the corresponding adjusted BCR. The Scheme generates an adjusted PVB of £100.11 million and an adjusted BCR of 1.78 when the Level 2 benefits are included.

*(Note - the values are in 2010 values and prices (i.e. not current prices))*

- 2.3.7 Through the increased capacity and improved journey time reliability, the Scheme will also assist in making the region more attractive for businesses and will provide the required infrastructure for future development, including housing and employment.
- 2.3.8 The A46 corridor provides opportunities for economic growth and improved accessibility within Coventry and Warwickshire, enabling the unlocking of sites for residential development, such as the adjoining allocated housing land to the west of the A46 and improving access to existing commercial areas.
- 2.3.9 With regards to other economic benefits, the Scheme will increase capacity, relieve congestion and improve journey times along this section of the A46. These improvements will reduce lost productive time and subsequently increase business user and transport service provider benefits. There will also be associated changes in vehicle operating costs, such as fuel, vehicle maintenance and mileage related depreciation. Further details can be found in Section 4 and 5 of the Case for the Scheme (**TR010066/APP/7.1**), and the Transport Assessment (**TR010066/APP/7.3**).
- 2.3.10 Wider economic and transport benefits of the Scheme are also recognised in the Coventry City Council Local Plan. The Coventry City Council Local Plan 2011-2031 and Rugby Borough Council Local Plan 2011-2031. The Local Plans recognise the economic and population growth and need to proactively plan for this and improve transport infrastructure. Rugby Borough Council Local Plan specifically mentions the improvements planned at Walsgrave near the B4082 to introduce grade separation to improve traffic flow. The West Midlands Strategic Transport Plan also identifies that the A46 improvements are required to meet regional growth aspirations and economic objectives.

## **2.4 Environmental Benefits**

- 2.4.1 The assessment of the Scheme's effects on the environment is set out in the Environmental Statement (**TR010066/APP/6.1**).

## Air Quality

- The Scheme causes improved air quality (decrease in annual mean NO<sub>2</sub> concentrations) at Clifford Bridge Road, due to an expected reduction in vehicle flows resulting from the operation of the Scheme, as detailed in ES Chapter 5 (Air Quality) (**TR010066/APP/6.1**). The majority of receptors within the Coventry Air Quality Management Area (AQMA) experience either a 'small' improvement in concentrations or an imperceptible change in concentrations.

## Biodiversity

- The Scheme design seeks to maximise biodiversity delivery. The Environmental Masterplan (ES Figure 2.4 (**TR010066/APP/6.2**)) has been designed to be appropriate to those habitats lost whilst also providing more ecologically valuable habitat in some cases (for example in place of cereal crops) and will be composed primarily of native species and species recognised of being of higher benefit to pollinators and birds with regards to food sources.
- Habitat creation will take place along the verges of the Scheme and would include species-rich grassland, woodland, scrub, native hedgerows with trees, wet grassland and tree planting. An area within the Order Limits to the north-east of the existing junction will be used for mitigation woodland planting to mitigate for loss of woodland due to the Scheme.
- ES Chapter 8 (Biodiversity) (**TR010066/APP/6.1**) describes when enhancements to biodiversity interests are made as part of the Scheme. This includes habitat creation within Hungerley Hall Farm Ecosite (a nature conservation area, as defined by Warwickshire Biological Records Centre). The habitat creation would include sustainable drainage systems (SuDS), woodland, marsh and wet grassland, species-rich grassland, amenity grass, shrubs, ground cover and scrub in addition to planting of 612 individual trees.
- Habitat connectivity along the Scheme will be achieved through the creation of native hedgerows and tree lines along the verges created as a vegetative screen and to maintain the local landscape character of the area.
- The Scheme provides a Biodiversity Net Gain. ES Chapter 8 (Biodiversity) (**TR010066/APP/6.1**) and ES Appendix 8.1 (Biodiversity Net Gain Report) (**TR010066/APP/6.3**) detail how this is achieved.

## Noise

- Noise levels are seen to reduce as a whole which benefits all incomes, with a large benefit in one of the less deprived quintiles, in the short-term assessment. Children are expected to benefit due to reduced noise levels near primary schools (see ES Chapter 11 (Noise and Vibration) (**TR010066/APP/6.1**)).

## Landscape and visual

- By year 15 of the Scheme operation, vegetation would have matured so that the Scheme is screened from the surrounding landscape and effects would not be significant, and there would be a minor beneficial impact. This includes minor beneficial impacts on the landscape character area PLCA 1 - Walsgrave Hill and Valley including Hungerley Hall Farm, and on recreational users of public path to Coombe Abbey Park/ PRow R75x and residential receptors at Farber Road/ Barrow Close, Walsgrave (see ES Chapter 7 (Landscape and Visual Effects) (**TR010066/APP/6.1**)).

## Water Quality

- The incorporation of a pond for water quality mitigation will provide benefits as this will treat a proportion of the existing road drainage and thus provides an improvement upon the existing situation (see ES Chapter 13 (Road Drainage and the Water Environment) (**TR010066/APP/6.1**)).

## 2.5 The Authorised Works

2.5.1 In order to carry out the Scheme it will be necessary to carry out the following works as detailed in Schedule 1 of the **draft DCO** (**TR010066/APP/3.1**) comprising:

- Work No. 1A — Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the works plans, and including—
  - a) realignment and new construction along a length of 880 metres, commencing at a location situated 80 metres north of the existing Brinklow Road underbridge and terminating at a location situated 12 metres south of the existing Hungerley Hall Farm accommodation bridge as shown between reference points 1/2 on sheet 1 and 1/15 on sheet 2 of the rights of way and access plans;
  - b) cross-section widening along the A46 and provision of connection to new slip roads from 12 metres south of Hungerley Hall Farm accommodation bridge, 900 metres in length, as shown between

reference points 1/15 on sheet 2 and 1/7 on sheet 4 of the rights of way and access plan; and

- c) placement of 50mph Speed Limit Terminal signs, as shown between reference point 1/2 on sheet 1 and point 1/8 of sheet 5 of the traffic regulations plans.
- Work No. 1B — A new A46 Walsgrave overbridge comprising of single span, 30 metres in length, carrying the new dumb-bell link road connecting the two new roundabouts (Work No 1G and 1H) of the new A46 Walsgrave grade separated junction, as shown on sheet 4 of the works plans.
  - Work No. 1C — A new northbound off-slip, 260 metres in length, commencing at a location situated 128 metres north of the existing Hungerley Hall Farm accommodation bridge and continuing northwest until the new circulatory carriageway of western roundabout (Work No. 1G), as shown on sheet 4 of the works plans.
  - Work No. 1D — A new northbound on-slip, 290 metres in length, commencing from the new circulatory carriageway of western roundabout (Work No. 1G) and continuing northeast to merge with the existing A46, as shown on sheet 4 of the works plans.
  - Work No. 1E — A new southbound off-slip, 290 metres in length, commencing at a location situated 460 metres south of the existing Farber Road overbridge and continuing southeast until the new circulatory carriageway of eastern roundabout (Work No. 1H), as shown on sheet 4 of the works plans.
  - Work No. 1F — A new southbound on-slip, 270 metres in length, commencing from the new circulatory carriageway of eastern roundabout (Work No. 1H) and continuing southwest to merge with the existing A46, as shown on sheet 4 of the works plans.
  - Work No. 1G — New roundabout to the west of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the works plans.
  - Work No. 1H — New roundabout to the east of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the works plans.
  - Work No. 1I — New maintenance layby, 110 metres in length, constructed along the A46 northbound carriageway located north of the northbound off-slip (Work No.1C) and south of the northbound on-slip (Work No.1D), as shown on sheet 4 of the works plans.

- Work No. 1J — A new gantry, or similar signage, over the A46 northbound carriageway, at a location situated 28 metres south of the new single span overbridge (Work No. 1B), as shown on sheet 4 of the works plans.
- Work No. 1K — Removal and reinstatement of existing environmental bund situated southeast of the realigned A46 (Work No. 1A), from north of the existing Smite Brook culvert for up to 150 metres in length, as shown on sheet 2 of the works plans.
- Work No. 1L — A new northern pond, together with associated drainage facilities including a new outfall, situated at a location west of Work No. 1A and south of Work No. 4A, as shown on sheet 4 of the works plans.
- Work No. 1M — A new northern pond access, 810 metres in length, commencing at its junction with the private means of access (Work No. 2C) and circulating around Work No. 1L, as shown on sheets 2 and 4 of the works plans.
- Work No. 2A — Realignment, improvement and new construction of the B4082 road, as shown on sheets 2, 3 and 4 of the works plans including—
  - a) the construction of a new section of highway with two-way single carriageway commencing at a location situated 240 metres east of the existing Clifford Bridge Road roundabout, running generally northwards parallel to the A46, passing between Hungerley Hall Farm buildings and the existing A46 before connecting to the new western roundabout (Work No. 1G) of the new A46 Walsgrave grade separated junction, with a total length of 894 metres as shown on sheets 2, 3 and 4 of the works plans;
  - b) installation of ducts and cables; and
  - c) placement of 40mph Speed Limit Repeater signs along B4082, as shown between reference point 2/11 on sheet 3 and point 2/8 of sheet 4 of the traffic regulations plans.
- Work No. 2B — A new private means of access, 34 metres in length, commencing from a new junction with the realigned B4082 road (Work No. 2A) and terminating at Hungerley Hall Farm accommodation bridge, as shown on sheet 2 of the works plans.
- Work No. 2C — A new private means of access, 118 metres in length, commencing at a new junction with the realigned B4082 road (Work



No. 2A) and terminating at Hungerley Hall Farm buildings, as shown on sheet 2 of the works plans.

- Work No. 2D — A new central pond, together with associated drainage facilities including a new outfall, situated at a location between Work No. 1A and Work No. 2A, as shown on sheet 4 of the works plans.
- Work No. 2E — A new southern detention basin, together with associated drainage facilities, situated at a location to the northeast of Work No. 2A, as shown on sheet 3 of the works plans.
- Work No. 2F — A new central pond access, 393 metres in length, commencing at its junction with the realigned B4082 (Work No. 2A) and circulating around Work No. 2D, as shown on sheet 4 of the works plans.
- Work No. 2G — A new southern detention basin access, 283 metres in length, commencing at a location approximately 140 metres from the existing Clifford Bridge Road roundabout and circulating around Work No. 2E, as shown on sheet 3 of the Works Plans.
- Work No. 2H — A new ditch along the western side of the B4082 commencing from north of Work No. 2C and terminating adjacent to Work No. 1D, as shown on sheets 2 and 4 of the works plans.
- Work No. 2I — A new signalised pedestrian crossing situated 20 metres east of the existing Clifford Bridge Road roundabout, as shown on sheet 3 of the works plans and the extension of existing footway between points 2/7 and 2/10 and points 2/12 and 2/13, as shown on sheet 3 of the rights of way and access plans.
- Work No. 3A — Habitat creation including areas of woodland planting of native species, as shown on sheet 2 of the works plans.
- Work No. 3B — A new badger crossing, as shown on sheet 4 of the works plans.
- Work No. 3C - Reinstatement of existing timber fence where required and vegetation removal.
- Work No. 4A — A temporary construction compound, as shown on sheet 4 of the works plans.

2.5.2 The works and associated development, referred to as the 'authorised works' are also set out in **Schedule 1** of the **draft DCO (TR010066/APP/3.1)** and shown on the **Works Plans (TR010066/APP/2.3)**.

## 2.6 Alternatives and Flexibility

- 2.6.1 The Scheme has been subject to a process of staged development and evolution between its inception and submission of the DCO application. Details of the alternatives considered are set out in **ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1)** and summarised within the **Case for the Scheme (TR010066/APP/7.1)**. In addition, the **Consultation Report (TR010066/APP/5.1)** provides further detail on how comments made by stakeholders and the general public through consultation have been taken into account in the development of the Scheme.
- 2.6.2 Part of the land to be acquired for the Scheme forms an environmental mitigation area (plot 2/3b). More details are provided in **ES Chapter 2 (TR010066/APP/6.1)** as to why the land presented in the Order Limits is suitable. The proposed mitigation area is required for the following reasons:
- An area of 3.6ha is required for environmental mitigation, which the plot provides.
  - The mitigation area is mainly required for tree planting. The area is well connected to surrounding woodland and would be directly connected to the Site of Special Scientific Interest (SSSI) woodland at Coombe Abbey Park, offering habitat connectivity. Natural England and Coventry City Council have been consulted about the proposed mitigation area and have not expressed concern about woodland planting adjacent to the SSSI woodland (see **ES Chapter 8 (Biodiversity) (TR010066/APP/6.1)** and the **Consultation Report (TR010066/APP/5.1)**).
- 2.6.3 There are no alternatives proposed in the DCO to the Scheme presented in the application.
- 2.6.4 Due to the nature of the design process and the timing of the consenting process, the Applicant requires a degree of flexibility as to where certain elements of the Scheme, for example the exact location and boundaries of the drainage basins within the Scheme can be constructed within defined limits of deviation which are provided for at Article 7 of the **draft DCO (TR010066/APP/3.1)** and shown on the **Works Plans (TR010066/APP/2.3)**.
- 2.6.5 At this stage, all the Land in the Order Limits is considered to be necessary to deliver the Scheme. However, should it transpire that any part of the Land within the Order Limits is not required, for instance, as a result of the detailed design process, the Applicant would only seek to acquire that part of the Land required, and in all events, will seek to minimise the effects on land interests.



### 3 Compulsory Acquisition

#### 3.1 Scope of compulsory acquisition powers with reference to the draft DCO

3.1.1 The purpose of the compulsory acquisition powers in the DCO is to enable the Applicant to construct, operate and maintain the Scheme. The specific compulsory acquisition powers sought by the Applicant are set out in full in Part 5 of the **draft DCO (TR010066/APP/3.1)**.

3.1.2 Section 122 of the 2008 Act provides that an order granting development consent may include provision authorising compulsory acquisition of land. To the extent that this is sought, the decision maker (the Secretary of State) in respect of the application must be satisfied that certain conditions are met. The way in which the Scheme meets these conditions is considered in **Chapter 5** of this Statement.

3.1.3 In addition to the powers of compulsory acquisition, section 120 of the 2008 Act provides that the DCO may make provision relating to, or to matters ancillary to the development in respect of which a DCO is sought. The matters in respect of which provision may be made includes (but is not expressly limited to) matters listed in Schedule 5 of the 2008 Act, including:

- (a) the acquisition of land, compulsorily, or by agreement (paragraph 1);
- (b) the creation, suspension or extinguishment of, or interference with, interests in rights over land, compulsorily, or by agreement (paragraph 2);
- (c) the abrogation or modification of agreements relating to land (paragraph 3); and
- (d) the payment of compensation (paragraph 36).

#### 3.2 Main Compulsory Acquisition Powers

3.2.1 The main powers authorising the compulsory acquisition of land, or interests in, or rights over land, are contained in Articles 27 (compulsory acquisition of land), 28 (compulsory acquisition of land - incorporation of the mineral code) and 30 (compulsory acquisition of rights) of the **draft DCO (TR010066/APP/3.1)**. **Table 1** of **Annex A** of this Statement provides a description of the land which is subject to powers of outright acquisition in terms of Article 27. The purpose for acquiring this land is to enable the Applicant to construct the permanent works on the land and other elements described in **Annex A**.

- 3.2.2 Article 30 allows rights over land to be acquired instead of outright acquisition. This allows flexibility in approach and a reduction in the impact on the interests of the land interest. Compulsory acquisition of rights and the compulsory imposition of restrictive covenants is authorised by Article 30. **Table 2 of Annex A** of this Statement provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants. These rights are necessary for the purposes of constructing the works and the maintenance of the works thereafter, ensuring that the operator of the finished Scheme is able to fulfil their functions.
- 3.2.3 Other compulsory acquisition powers are sought in the **draft DCO (TR010066/APP/3.1)** (identified below) and these similarly relate to land and will, or may, authorise, interfere with property, rights or interests.
- 3.2.4 In addition, powers are sought in the **draft DCO (TR010066/APP/3.1)** to enable the temporary possession and use of land.
- 3.2.5 In each case, the party having an interest in the land, or the interest or right in the land, may be entitled to compensation.

### 3.3 Other Compulsory Acquisition Powers

- 3.3.1 The other compulsory acquisition powers sought by the Applicant in the **draft DCO (TR010066/APP/3.1)** include:

#### Article 31 Private Rights Over Land

- 3.3.2 Article 31 provides for the extinguishment of private rights over land from the earlier of the date of acquisition of the land or the date on which the Applicant enters the land.
- 3.3.3 The Article further provides that, where new rights are being compulsorily acquired or restrictive covenants are being imposed on land then any existing private rights or restrictive covenants which that land is subject to may be extinguished to the extent that continuing enjoyment of those private rights or restrictive covenants would be inconsistent with the new rights acquired or restrictive covenants imposed.
- 3.3.4 With regard to the land of which the Applicant may take temporary possession, Article 31 of the **draft DCO (TR010066/APP/3.1)** provides that all private rights over that land will be suspended and unenforceable for as long as the Applicant is in lawful possession of the land.
- 3.3.5 The power to extinguish existing rights is required to ensure that such rights do not interfere with the construction and operation of the Scheme.

- 3.3.6 The Article provides that any person who suffers loss caused by the extinguishment or suspension of rights (pursuant to the exercise of the power in Article 31 is entitled to reasonable compensation.

**Article 37: Acquisition of subsoil or airspace only**

- 3.3.7 Article 37 provides that where the Applicant has, in respect of any land, powers of compulsory acquisition under Article 37 then it may, for the same purposes for which it is authorised to acquire the whole of the land, choose instead to acquire only the subsoil underneath, or airspace over the land. This power is included for flexibility as it would allow the Applicant to minimise its costs and/or impact to land interests by acquiring subsoil or airspace only where it is possible to do so and still deliver the Scheme, leaving land interests in possession of the valuable part of the land.

**Article 38: Rights under or over streets**

- 3.3.8 Article 38 is not in a strict sense a power of compulsory acquisition. However, it is included here for completeness because it would authorise the Applicant to:
- (a) enter on and appropriate so much of the subsoil underneath or the airspace over any street within the limits of the DCO as may be required to provide the Scheme; and
  - (b) use that subsoil or airspace for the purposes of carrying out the Scheme or any purpose ancillary to it.
- 3.3.9 Save in the case of subways or underground buildings, or to cellars or similar structures forming part of a building fronting the street, the Applicant may exercise its power under Article 38 without having to acquire any part of the street or any easement or right in the street.

**3.4 Temporary Possession Powers**

- 3.4.1 The Applicant further seeks, in the **draft DCO (TR010066/APP/3.1)**, powers to take temporary possession of the land to carry out and thereafter maintain the Scheme. **Table 3 of Annex A** of this Statement provides a description of the land which may be occupied temporarily. The powers of temporary possession in the **draft DCO (TR010066/APP/3.1)** are as follows:

**Article 39: Temporary use of land for carrying out the authorised development**

- 3.4.2 Article 39 would authorise the Applicant to take temporary possession of:

- (a) the land specified in column 1 of Schedule 8 to the **draft DCO (TR010066/APP/3.1)**; or
- (b) any other land within the limits of the **draft DCO (TR010066/APP/3.1)** so long as the Applicant has not served a notice of entry or executed a General Vesting Declaration (GVD) in respect of the land.

3.4.3 In addition to taking possession of the land the Article 39 would authorise the Applicant to:

- (a) remove buildings and vegetation from the land;
- (b) construct temporary works (including accesses) and buildings on the land; and
- (c) construct any permanent works specified in Schedule 1 to the **draft DCO (TR010066/APP/3.1)**.

3.4.4 The power to take temporary possession would be subject to time limits under Article 39. The Applicant cannot remain in possession unless the owner of the land agrees:

- (a) as regards to any land specified in columns 1 of Schedule 8 to the **draft DCO (TR010066/APP/3.1)**, for more than a year after completing that part of the Scheme specified in relation to that land in column 1 of Schedule 8; and
- (b) as regards to any other Order land, for more than a year after completing the work for which temporary possession was taken (unless before the end of that period the Applicant has made a GVD or served notice of entry in relation to that land in order to acquire it permanently).

3.4.5 Article 39 provides that before giving up possession of any land the Applicant would be obliged to remove all temporary works and restore the land to the condition it was in on the date on which possession of the land was first taken or such other condition as may be agreed with the owners of the land.

#### **Article 40: Temporary use of land for maintaining the authorised development**

3.4.6 Article 40 would empower the Applicant to take temporary possession of any land within the limits of the **draft DCO (TR010066/APP/3.1)**, if reasonably required for the purpose of maintaining the Scheme, at any time during the maintenance period (i.e. five years from the date on which that part of the Scheme is first open for use).

- 3.4.7 The Applicant may only remain in possession of land under this Article for so long as may be reasonably necessary to carry out the maintenance of the part of the Scheme for which possession was taken. Before giving up possession of land temporarily possessed under this article, the Applicant would be required to remove all temporary works and restore the land to the condition it was in on the date on which possession of the land was first taken or such other condition as may be reasonably agreed with the owners of the land.
- 3.4.8 The powers to use land temporarily for carrying out the Scheme ensures that appropriate work sites, working space and means of access are available for use during the construction and maintenance period and provides space for mitigation and other permanent works. This temporary power minimises the impact on land interests by ensuring that the Applicant does not have to acquire land it only requires temporarily.
- 3.4.9 The powers to use land temporarily for maintaining the Scheme ensures that the land is available for maintenance works during a five-year period from when that part of the Scheme is first opened for use. This is in the public interest as it ensures that it is possible to maintain the Scheme and the public benefits it will deliver. Temporary powers are sought for this purpose as permanent powers would entail an excessive impact on land interests.

### 3.5 Other Rights and Powers

- 3.5.1 In addition to powers of compulsory acquisition, if made the **draft DCO (TR010066/APP/3.1)** would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. These additional powers (which are explained in more detail in the **Explanatory Memorandum (TR010066/APP/3.2)** are:

- (a) Article 11: Street works;
- (b) Article 17: Permanent stopping up of streets and private means of access;
- (c) Article 21: Discharge of water;
- (d) Article 22: Powers in relation to water courses
- (e) Article 23: Protective works to buildings;
- (f) Article 24: Authority to survey and investigate the land;
- (g) Article 25: Felling or lopping of trees and removal of hedgerows;  
and
- (h) Article 26: Trees subject to tree preservation orders;

- (i) Article 28: Compulsory acquisition of land – incorporation of the mineral code;
- (j) Article 31: Private rights over land;
- (k) Article 32: Power to override easements and other rights;
- (l) Article 42: Statutory undertakers;
- (m) Article 43: Apparatus and rights of statutory undertakers in stopped up streets.

3.5.2 In each case (for both the principal powers and other powers) the parties having interest in the land, or the interest or right in the land, may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

## 4 Land Interests

### 4.1 The extent of the land subject to powers

4.1.1 The full extent of the Land subject to compulsory acquisition and temporary possession powers and required in order to enable the Applicant to construct the Scheme is shown on the **Land Plans (TR010066/APP/2.2)** and the **Works Plans (TR010066/APP/2.3)**. It is further described in the **Book of Reference (TR010066/APP/4.3)**.

4.1.2 Land subject to the powers is set out in Table 4-1 below.

**Table 4-1 – Land Interests required for the Scheme**

Acquisition Type	Colour on Land Plans (TR010066/APP/2.2)	Area (Ha)
<b>Permanent Acquisition of all interests in land</b>	Pink	34.57  (National Highways already own 18.36ha of land to be used permanently for the Scheme)
<b>Land to be used temporarily</b>	Green	2.04
<b>Permanent Acquisition of Rights over land</b>	Blue	0.01
<b>TOTAL</b>		36.62

4.1.3 The Applicant has sought powers of compulsory acquisition (or rights of use) in respect of all plots of land required for the Scheme even where it already holds an interest or presumes it holds an interest in the land. This approach has been taken to ensure that the Applicant has the right to acquire the interest it needs in all of the Land, even where an unknown or unregistered interest later asserts an interest in land which the Applicant believe it owns and clearing the title would be necessary.

4.1.4 The purpose for which each plot of land is required is described in **Annex A** of this Statement.



## 4.2 Location

- 4.2.1 The Scheme is approximately 1.8km in length between north-east of Walsgrave and the north of Binley. It is located within Coventry Metropolitan District and Rugby Borough, and in the County of Warwickshire.
- 4.2.2 The Scheme location is provided on the **Location Plan (TR010066/APP/2.1)**.
- 4.2.3 The land is within the administrative areas of Warwickshire County Council, Coventry City Council and Rugby Borough Council.

## 4.3 Existing Land Use and Character

- 4.3.1 To the west of Walsgrave Junction, the area is densely populated with seven schools within 2km of the junction. University Hospital Coventry is located approximately 1.2km to the north of the existing A46 and Walsgrave Junction which serves as a blue-light (i.e., emergency services) route to the hospital.
- 4.3.2 To the immediate north-west of Walsgrave Junction and along the western side of the A46 north of the existing junction are areas of agricultural land associated with Hungerley Hall Farm and further north with Walsgrave Hill Farm. To the immediate south-west of the Walsgrave Junction and north of Smite Brook the land is associated with Hungerley Hall Farm, south of Smite Brook are areas of public open space, beyond which are residential areas. A high voltage electricity line runs north-south on the western side of the A46, crossing the B4082 immediately west of Walsgrave Junction.
- 4.3.3 Immediately adjacent to the east side of Walsgrave Junction is Coombe Abbey Park, part of which includes Coombe Pool Site of Special Scientific Interest (SSSI) and Coombe Abbey Grade II\* Park and Garden & Conservation Area. To the north-east of the existing junction and northwards along the eastern side of the A46 are areas of agricultural land associated with Walsgrave Hill Farm. The area to the east of the A46 is designated as Green Belt in Rugby Borough Council's Local Plan.
- 4.3.4 The existing A46 is a dual carriageway within the Scheme extents is owned and maintained by National Highways. South of Walsgrave Junction the road is generally elevated, and north of the existing roundabout, it is sited primarily within cutting.
- 4.3.5 The existing junction comprises of a three arm at grade roundabout connecting the A46 mainline to the B4082 local network. The central island of the roundabout has a diameter of approximately 40m, and with the 12.5m wide circulatory carriageway, the outside diameter of the



roundabout is approximately 65m. On approach to the roundabout the A46 northbound and southbound entry arms flare from two to three lanes, to allow two lanes for traffic continuing on the A46 and one lane to the B4082. The B4082 entry arm flares from one lane to three lanes on approach to the roundabout.

- 4.3.6 The B4082 and Clifford Bridge Road are part of Coventry City Council's highway network. The B4082 link road is a two-lane single carriageway road that provides a link between the A46 and Clifford Bridge Road. The B4027 Brinklow Road passes under the A46 mainline approximately 600m south of the existing Walsgrave Junction.
- 4.3.7 Parking laybys are located on the northbound and southbound carriageways of the A46 mainline between the Walsgrave Junction and the M6/M69 junction. Emergency telephones are located at these laybys. The usage levels of the laybys are currently unknown.
- 4.3.8 Two gantries are present within the draft Order Limits. A variable message sign (VSM) gantry is situated approximately 1.2km to the north of the existing Walsgrave Junction. The second VMS gantry is situated approximately 1.5km to the north of the existing junction. Both gantries span over the verge of the northbound carriageway of the A46.
- 4.3.9 Hungerley Hall Farm accommodation bridge, located approximately 400m north of the Walsgrave Junction, is owned by National Highways. The bridge provides private access between Hungerley Hall Farm to the west of the A46 and the agricultural land to the east of the A46. The bridge is not currently accessible to the public.
- 4.3.10 The A46 and B4082 corridor boundaries are heavily vegetated on all approaches to the existing Walsgrave Junction, which quickly give way to farmland and public open space beyond. The exception is the section of road adjacent to Coombe Abbey Park where there is significant tree belt separating the road from Coombe Pool.

#### **4.4 Identifying persons with an interest in the land**

- 4.4.1 In preparing the application, the Applicant has carried out diligent inquiry in order to identify all persons with an interest in the Land as defined by section 44 of the 2008 Act.
- 4.4.2 Those persons who were identified by the Applicant are listed in the **Book of Reference (TR010066/APP/4.3)** and have been consulted about the application in accordance with section 42 of the 2008 Act as described in the **Consultation Report (TR010066/APP/5.1)**.
- 4.4.3 Land referencing has been undertaken throughout the pre-application period to ensure any changes in interest or new interests have been

identified, consulted and subject to engagement. Land referencing will continue to be undertaken throughout the DCO process to ensure that any changes in interest are identified and to ensure any new interests will be consulted and subject to engagement. Any changes will also be recorded and updated in the **Book of Reference (TR010066/APP/4.3)**.

#### 4.5 Category 1 and 2 persons

- 4.5.1 Identification of Category 1 and 2 persons, as defined in section 44 of the 2008 Act, was undertaken at the early stages of development of the Scheme in order to inform the design of the Scheme and the preparation of the application.
- 4.5.2 A shapefile of the search area, being the anticipated land requirements (before the Order Limits shown on the **Land Plans (TR010066/APP/2.2)** was defined), was submitted to the Land Registry. Land Registry data was received in the form of a digital shapefile (a GIS layer) and digital copies of the Official Copy Registers and Title Deeds.
- 4.5.3 All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenants information was extracted and stored in a land referencing database. Further Land Registry searches have been used to ensure that any changes in title in respect of Land potentially required for or affected by the Scheme were identified.
- 4.5.4 On completion of the initial desk-based exercise described above, the extent of unregistered land interests became known. In order to establish interests in relevant areas of unregistered land public sources of information were used including site visits, posting of sites notices, Companies House website, the relevant Highway Authority, records held by Statutory Undertakers and other online resources.
- 4.5.5 The information obtained from the above exercises was used to populate Part 1, Part 2 and Part 3 of the **Book of Reference (TR010066/APP/4.3)**.

#### 4.6 Category 3 persons

- 4.6.1 Category 3 persons are those with potential claims under the above legislation should the Scheme be carried out. They mainly relate to those who's land may be injuriously affected (i.e.: its value would be diminished) as result of the Scheme, although the land in question is not acquired outright. These are defined in section 10 of the Compulsory Purchase Act 1965 (CPA 1965) and/or section 152(3) of the 2008 Act.
- 4.6.2 Identification of Category 3 persons, as defined in section 44 of the 2008 Act, was undertaken at an early stage of development of the Scheme, in order to inform the design of the Scheme and preparation of the application.

4.6.3 In order to identify potential Category 3 persons who may be entitled to make a claim under section 10 of the CPA 1965, a desk-based assessment was carried out to identify properties with a potential claim.

4.6.4 Furthermore, any proposed new residential and commercial developments identified through information held by the Coventry City Council and Rugby Borough Council on developments with planning permission were taken into account. The Applicant identified developments sufficiently progressed to the point they may result in a potential claim as Category 3 land interests at the time the Scheme has been operational for one year and one day.

#### **Assessment of Category 3 persons which fall under Part I of the Land Compensation Act 1973 (LCA 1973)**

4.6.5 In assessing potential claimants under Part I of the LCA 1973, physical factors and the impacts of the Scheme were considered, including:

- (a) properties closest to the highway and within the Order Limits; and
- (b) properties identified as a receptor as a consequence of the property being located outside of the Order Limits but adjacent to the highway.

4.6.6 The Applicant's land referencing team were provided with guidance from environmental specialists involved in the compilation of the **ES (TR010066/APP/6.1)**. This guidance was based on the topography of the land and the likely significant effects arising from the Scheme. For example, the noise assessments had regard to information available at the time regarding:

- (a) background noise levels; and
- (b) distance to receptors.

4.6.7 Based on the above information, professional judgement was used to ascertain whether a person may be able to make a relevant claim for compensation under section 57(4) of the 2008 Act, based on a worse-case assessment. Further details about the noise assessments undertaken can be found in **ES Chapter 11 (Noise and Vibration) (TR010066/APP/6.1)**.

#### **4.7 Contact Referencing**

4.7.1 Following the initial non-contact methods described above, persons identified as having an interest in the Land or a potential claim were issued a letter with a plan describing the extents of the Scheme, and a questionnaire requesting return of information about their interests in the

Land. Requests for information (RFI) were issued in July 2023 and Land Interest Questionnaires (LIQs) were issued in September 2024.

- 4.7.2 If the persons identified as having an interest in the Land or a potential claim did not respond to the letter, the addresses were visited to speak to these persons and ask them to complete the questionnaire, confirming that the Scheme was in development and because there could be impact on their land interest the Applicant needed to ensure the correct information was held.
- 4.7.3 Ongoing Land Registry searches have been conducted throughout the preparation of the application to ensure that any changes in title were identified, and contact referencing remained accurate. The official copies of Registered Titles and Plans were examined to identify all land interests. Where new land interests have been identified as part of the ongoing Land Registry searches the Applicant has consulted with them about the Scheme

#### 4.8 Negotiation to acquire by agreement

- 4.8.1 As well as consulting all persons with an interest in the Land about the Scheme proposals in accordance with section 42 of the 2008 Act, the Applicant is aware of paragraph 25 of the CA Guidance to seek to acquire land by negotiation wherever practicable. The power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.
- 4.8.2 At the same time, the Applicant notes that the CA Guidance also recognises that where proposals would entail the compulsory acquisition of many separate plots of land, it may not always be practicable to acquire each plot of land by negotiation. As the CA Guidance states *“Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset”*.
- 4.8.3 The Applicant has engaged with Category 1 stakeholders, with a view to acquiring their land interest by agreement by writing to them to inform them of the Applicant’s willingness to negotiate to acquire the Land by agreement, and to invite dialogue at that point. As a result, the Applicant is in the process of continuing to engage with a proportion of land interests with regard to the acquisition of land by agreement; and negotiations with this objective will be ongoing throughout the DCO process. The status of such negotiations is set out in **Annex B** of this Statement.
- 4.8.4 Whilst negotiations are ongoing, the Applicant is mindful that it is under a duty to acquire land at best value and that it is required to deliver the Scheme within a specified timescale. It has concluded that it may not be possible to acquire all land interests necessary to deliver the Scheme at

reasonable cost within this timescale. There are further parcels of land in unknown ownership which cannot be acquired by agreement while its ownership is unknown. These are set out in Table 4-2 below:

**Table 4-2 – Unregistered Land Interests within the Order Limits relevant to Permanent Acquisition**

Nature of Interest	Description of the Land	Affected Land Plot Numbers
<i>Unknown / unregistered</i>	Approximately 405.38 square metres of woodland	1/2
<i>Unknown / unregistered</i>	Approximately 621.97 square metres of public adopted highway, grass verge and woodland	1/3
<i>Unknown / unregistered</i>	Approximately 943.43 square metres of public adopted highway, verge and woodland	1/6a
<i>Unknown / unregistered</i>	Approximately 1.10 square metres of woodland	1/6b
<i>Unknown / unregistered</i>	Approximately 20.85 square metres of woodland and public adopted highway	2/6

4.8.5 Therefore, the Applicant has concluded that the Scheme is unlikely to be capable of being delivered without compulsory acquisition powers sought in the **draft DCO (TR010066/APP/3.1)**.

4.8.6 Land already owned by the Applicant is included in the **draft DCO (TR010066/APP/3.1)** to ensure that no known or unknown third-party rights, which might impede delivery of the Scheme, remain over the land.

## 4.9 Utility Diversions

4.9.1 A number of existing utility services are located in the surrounding area that would be affected by the Scheme, however, there are no utility diversions required. Utilities will only require protection when constructing and operating the Scheme.

## 5 The Case for Compulsory Acquisition

### 5.1 Introduction

- 5.1.1 In seeking compulsory acquisition and temporary possession powers in the **draft DCO (TR010066/APP/3.1)**, the Applicant has had regard to the conditions in section 122 of the 2008 Act and to the tests set out in the CA Guidance.

### 5.2 The statutory conditions and CA Guidance

- 5.2.1 Section 122 of the 2008 Act states that:

“An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met”

- 5.2.2 The conditions are:

- In subsection (2), that the land is:
  - (a) “required for the development to which the development consent relates;
  - (b) required to facilitate or is incidental to that development; or
  - (c) replacement land which is to be given in exchange for the order land under sections 131 and 132 of the 2008 Act;” and
- In subsection (3) “that there is a compelling case in the public interest for the land to be acquired compulsorily”

- 5.2.3 The CA Guidance (paragraph 11) sets out the considerations which the Secretary of State will take into account in deciding whether the condition in subsection (2) has been met. It states:

- (a) “In respect of whether land is required for the development, the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- (b) In respect of whether the land is required to facilitate or is incidental to the proposed development, the Secretary of State will need to be satisfied that the development could only be carried out to a satisfactory standard if the land in question were to be compulsorily acquired and that the land to be taken is no



more that is reasonably necessary for that purpose and that it is proportionate.

- (c) In respect of whether the land is replacement land, the Secretary of State will need to be satisfied that the compulsory acquisition is needed for replacement land, that no more land is being taken than is reasonably necessary for that purpose and that it is proportionate”

5.2.4 In respect of the condition in subsection (3), the CA Guidance states at paragraphs 12 and 13 that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.

5.2.5 Paragraphs 8 to 10 of the CA Guidance are also relevant, setting out a number of general considerations to be taken into account by the applicant in seeking compulsory acquisition powers:

- (a) *“That all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;*
- (b) *That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate;*
- (c) *That the applicant has a clear idea of how they intend to use the land which is to be acquired;*
- (d) *That there is a reasonable prospect of the necessary funds for the acquisition becoming available; and*
- (e) *That the purposes for which compulsory acquisition powers are included in the application are legitimate and sufficiently justify interfering with the human rights of those with an interest in the affected land”.*

5.2.6 Finally, paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiations wherever practicable.

### **5.3 Need for the Land and the purposes for which compulsory acquisition powers are sought**

5.3.1 The Applicant is satisfied that the condition in section 122(2) of the 2008 Act is met. As explained in **Chapter 3** of this Statement the land subject to compulsory acquisition powers is either needed for the development (the Scheme), or is needed to facilitate the development, or is incidental to the development.

- 5.3.2 At **Annex A** of this Statement, the Applicant sets out why compulsory powers are necessary in relation to each individual parcel of the Land, with reference to the relevant **draft DCO (TR010066/APP/3.1)** works numbers and the nature of the works as set out in **Schedule 1** of the **draft DCO (TR010066/APP/3.1)**. The use of this land and the benefits this will bring to the Scheme are set out in general summary in **Chapter 2** of this Statement. **Annex A** of this Statement sets out in granularity the purpose of acquisition / use of each plot.
- 5.3.3 The Applicant considers that the land included in the **draft DCO (TR010066/APP/3.1)** is the minimum land-take required to construct, operate, maintain and mitigate the Scheme and is necessary to achieve the objectives of the Scheme. The Applicant has sought to achieve a balance between minimising land-take and securing sufficient land to deliver the Scheme, noting that the detailed design of the Scheme has yet to be developed. In that context, the limits of deviation have been drawn as tightly as possible so as to avoid unnecessary land-take. In the event that less land proves to be required in a particular area following the detailed design stage, the Applicant would only seek to acquire that part of the land that is required and, in all events, will seek to minimise effects on land interests.
- 5.3.4 The compulsory acquisition powers are also required to override any existing rights and interests in the land as well as grant the right to take temporary possession of land for construction and maintenance purposes. Again, without these rights over the Land, the Scheme cannot be delivered.
- 5.3.5 The Applicant is accordingly satisfied that the Land to be taken is reasonable and proportionate.

## **5.4 Compelling case in the public interest**

- 5.4.1 This Statement sets out the reasons for the inclusion of compulsory acquisition powers in the **draft DCO (TR010066/APP/3.1)**. It also explains it is necessary to include compulsory powers in the **draft DCO** so that the Applicant can acquire the land required for the construction of the Scheme that it not already in its possession. It also explains why powers of compulsory acquisition are necessary to enable the Applicant to use land temporarily, and acquire or extinguish rights over land in order to construct the Scheme in a way that is both proportionate and in the public interest by reducing environmental impacts, minimising costs to the Applicant (and hence the public purse) and mitigating the impact on land interests. This compelling case is evidenced further in the wider documentation that accompanies the application.
- 5.4.2 The Applicant is satisfied that the condition set out in section 122(3) of the 2008 Act is met.



- 5.4.3 The case for the Scheme is set out in **Chapter 2** of this Statement and in other application documents, including Chapters 3, 4 and 5 of the **Case for the Scheme (TR010066/APP/7.1)**. Together they demonstrate that there is a compelling case in the public interest for the Scheme to be delivered.
- 5.4.4 In particular, as set out in Chapter 3 of the **Case for the Scheme (TR010066/APP/7.1)**, paragraph 2.2 of the NPS NN identifies a “*critical need*” to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. It goes on to state that improvements may also be required to address the impacts of the national networks on quality of life and environmental factors.
- 5.4.5 The way in which the strategic objectives of the Scheme are aligned with the NPS NN are set out in detail in Chapter 3 of the Case for the Scheme (TR010066/APP/7.1). General compliance with the NPS NN is set out in the **National Networks National Policy Statement (NPS NN) Accordance Table (TR010066/APP/7.2)**.

## 5.5 Consideration of Alternatives

- 5.5.1 As explained in Chapter 2 of the **Consultation Report (TR010066/APP/5.1)**; ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1) and Chapter 2 of the Case for the Scheme (TR010066/APP/7.1) the Applicant has explored alternatives options for the Scheme.
- 5.5.2 In designing the Scheme and determining the Land subject to compulsory acquisition and temporary possession powers, the Applicant has considered alternatives and modifications to the Scheme to minimise the potential land-take. These alternatives and modifications were consulted on and the preferred route has been chosen based on a thorough consideration of relevant issues. This process is described in detail in **ES Chapter 3 (Assessment of Alternatives) (TR010066/APP/6.1)** and Chapter 2 of the **Case for the Scheme (TR010066/APP/7.1)**.
- 5.5.3 Following public consultation, the Applicant selected the most appropriate option. Further details about this consultation can be found in Chapter 2 of the **Consultation Report (TR010066/APP/5.1)**. This section took account of various factors, including, amongst others, views of consultees, including persons with a land interest. Other factors included environmental impacts, meeting the objectives of the Scheme, affordability, value for money, safety, construction and operational considerations.

- 5.5.4 A wide ranging and detailed optioneering process, involving extensive study and consultation, has considered reasonable alternatives. When selecting the preferred route several criteria, including the Scheme objectives, safety, benefits, costs, environmental effects, construction and feedback from the public consultation were considered. For each of the options assessed for the Scheme, compulsory acquisition of land was unavoidable.
- 5.5.5 Following public consultation on a short list of proposed options in early 2022, Option 11 was chosen as the preferred option which was supported by the consultation responses received.
- 5.5.6 The Public Route Announcement (PRA) for Option 11 was made in June 2022 and was progressed to the preliminary design stage which commenced in February 2023. The design of the Scheme design has progressed and design enhancements have tried to minimise land take. This has included the removal of the haul road on the western side of the Scheme and removal of a drainage basin to the north of Scheme. More details about how the Scheme has progressed through the design stages are provided in the **Scheme Design Report (TR010066/APP/7.4)**.

## 5.6 Reasonable prospect of funding

- 5.6.1 The Applicant is content that there is reasonable prospect of the necessary funds for acquisition being available for the reasons set out in the **Funding Statement (TR010066/APP/4.2)**.

## 5.7 Acquisition by Agreement

- 5.7.1 The Applicant recognises that the authority to acquire land compulsorily should only be sought if attempts to acquire by agreement fail. However, the Applicant notes that the CA Guidance recognises that, in some cases, it may not always be practicable to acquire each plot of land by agreement. Where this is the case the CA Guidance confirms that it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset. It also recognises that in some cases it may preferable, or necessary, to acquire land compulsorily rather than by agreement.
- 5.7.2 The Applicant sets out in **Chapter 4** Section 4.8 and **Annex B** of this Statement the discussions it has had with land interests to acquire the Land by agreement. It is satisfied that compulsory acquisition and temporary possession powers are required to ensure that the Scheme can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all of the Land by agreement.

## 5.8 Conclusions

- 5.8.1 The Applicant is satisfied that the conditions in section 122 of the 2008 Act are met and that the tests in the CA Guidance are satisfied.
- 5.8.2 All of the land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain and mitigate the Scheme; and necessary to achieve the objectives of the Scheme. The extent of the Land sought is reasonable and proportionate.
- 5.8.3 There is a compelling case in the public interest to include the compulsory acquisition powers sought by the Applicant in the **draft DCO (TR010066/APP/3.1)**. The exercise of the compulsory acquisition powers that are sought is shown throughout this Statement to be necessary and proportionate to the extent that interference with private land and rights is required. In the absence of compulsory powers, the Applicant considers that it would not be possible to proceed with the Scheme, and benefits of the Scheme would not be realised.

## 6 Human Rights

6.1.1 No residential properties are to be acquired for the Scheme.

### 6.2 The protected rights

6.2.1 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights (ECHR). The relevant articles can be summarised as follows:

- Article 1 of The First Protocol – protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- Article 6 – entitles those affected by compulsory powers to a fair and public hearing.
- Article 8 – protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

6.2.2 Section 6 of the Human Rights Act 1998 prohibits the public authorities from acting in a way which is incompatible with rights protected by the ECHR.

6.2.3 Paragraph 10 of the CA Guidance sets out how applicants should take into account Human Rights:

“The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.”

6.2.4 The **draft DCO (TR010066/APP/3.1)**, if made, may infringe the human rights of persons with an interest in land. This infringement is authorised by law provided that:

- There is a compelling case in the public interest for the compulsory acquisition powers included within the **draft DCO (TR010066/APP/3.1)**, and that proper procedures are followed.

- Any interference with a human right is proportionate and otherwise justified.

### 6.3 Compliance with the convention

- 6.3.1 The Applicant recognises that the Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the Scheme, as set out in this Statement outweigh any harm to those individuals. The **draft DCO (TR010066/APP/3.1)** strikes a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the DCO) and the private rights which will be affected by the compulsory acquisition.
- 6.3.2 In relation to both Article 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the **draft DCO (TR010066/APP/3.1)** has been demonstrated in **Chapter 5** of this Statement and in the **Case for the Scheme (TR010066/APP/7.1)**. The Land included over which compulsory acquisition powers are sought as set out in the **draft DCO** is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.
- 6.3.3 In relation to Article 6 the Applicant is content that proper procedures have been followed for both the consultation on the Scheme and for the determination of the compulsory acquisition powers included in the **draft DCO (TR010066/APP/3.1)**. Throughout the development of the Scheme, the Applicant has given persons with an interest in the Land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the Applicant has endeavoured to engage with land interests. The Applicant has had regard to land interest feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme. Examples of design changes are provided within the **Consultation Report (TR010066/APP/5.1)**.
- 6.3.4 Furthermore, any individuals affected by the **draft DCO (TR010066/APP/3.1)** may submit representations by way of an objection to the application in response to any notice given under section 56 of the 2008 Act, the examination of the application by the Examining Authority, any written representations procedures which the Examining Authority decides to hold and in particular, any compulsory acquisition hearing held under section 92 of the 2008 Act, at which each affected person is entitled to make oral representations about the compulsory acquisition request.
- 6.3.5 If the **draft DCO (TR010066/APP/3.1)** is made, a person aggrieved may challenge the made DCO by judicial review in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the 2008 Act.

## 6.4 Fair compensation

- 6.4.1 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code and Article(s) 15-17, 23, 24, 26, 30-34, 38-40, 44, 54; and Schedule(s) 7 and 8 to the **draft DCO (TR010066/APP/3.1)**. The Applicant has the resources to pay such compensation and has demonstrated in the **Funding Statement (TR010066/APP/4.2)** that these resources are available.
- 6.4.2 Any dispute in respect of the compensation payable may be referred to the Upper Tribunal (Lands Chamber), an independent tribunal, for determination.

## 6.5 Conclusions

- 6.5.1 For the reasons set out above, the Applicant considers that any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. The Applicant therefore considers that it would be appropriate and proportionate for the Secretary of State to make the **draft DCO (TR010066/APP/3.1)** including the grant of compulsory acquisition powers.

## 7 Special considerations

### 7.1 Crown Land

- 7.1.1 None of the Land is Crown land for the purposes of section 135 of 2008 Act.
- 7.1.2 None of the Land is Crown Estate land.

### 7.2 Special Category Land

- 7.2.1 Part of the land required for the Scheme comprises open space for the purposes of section 131 and section 132 of the Planning Act 2008 and is therefore special category land. Special category land means land identified as forming part of a common, open space, or fuel or field allotment.
- 7.2.2 As shown in Part 5 of the Book of Reference (**TR010066/APP/4.3**) and the Special Category Land Plans (**TR010066/APP/2.8**), the draft DCO (**TR010066/APP/3.1**) makes provision for the temporary possession of Special Category Land, comprising open space which is part of Coombe Abbey Park, Registered Park and Garden.
- 7.2.3 The land is required temporarily for construction and comprises Plot 2/1e (approximately 65.39 square metres) and Plot 2/2 (approximately 0.17ha). The **Book of Reference (TR010066/APP/4.3)** describes the land as:

Plot 2/1e, owned by National Highways - *“Temporary possession and use of approximately 65.39 square metres of woodland, water course and banks (Smite Brook), forming part of Coombe Abbey Park, to the north east of public adopted highway (Gainford Rise) and south of Hungerley Hall Farm, in the Parish of Combe Fields.”*

Plot 2/2, owned by Coventry City Council *“Temporary possession and use of approximately 1736.96 square metres of grass verge, woodland, water course and banks (Smite Brook), forming part of Coombe Abbey Park, to the east of public adopted highway (Gainford Rise) and south of Hungerley Hall Farm, in the Parish of Combe Fields*

- 7.2.4 Section 131 of the 2008 Act applies to compulsory acquisition of any land forming part of a common, open space, fuel or field garden allotment. Section 132 of the Planning Act 2008 applies to the compulsory acquisition of any rights over land forming part of a common, open space, fuel or field garden allotment. These make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of land or of rights over such land. This means a DCO would be subject to SPP unless the Secretary of State is satisfied that one of the following circumstances applies:



- Replacement land will be given in exchange for the land to be compulsorily acquired with the same rights, trusts and incidents; or
- The Land to be acquired does not exceed 200 square metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary; or
- For open space land only, replacement land in exchange is not available or would only be available at a prohibitive cost, but it is strongly in the public interest for a scheme to proceed sooner than SPP would allow; or
- For open space land only, the land is only being compulsorily acquired for a temporary purpose.

7.2.5 None of the Land to be permanently acquired for the Scheme comprises land forming part of a common, open space, or fuel or field garden allotment for the purposes of section 131 and section 132 of the Planning Act 2008. The open space land will be required by temporary possession only, therefore SPP does not apply.

7.2.6 The open space land will be required temporarily during the construction of the Scheme for the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (Work No. 3B) (**TR010066/APP/2.3**). Full details are provided within **Annex C** of this Statement and the Special Category Land Plans (**TR010066/APP/2.8**). As the land is only subject to temporary possession, replacement land is not required in accordance with sections 131 and 132 of the Planning Act 2008.

7.2.7 Table 7-1 below sets out the special category land plot within the Order Limits and which of the four circumstances that apply. The application should not be subject to SPP as at least one or more of the four circumstances, as set out above, applies.

**Table 7-1 Special Category Land Circumstances**

Four Circumstances	Plot Number/s
Replacement land will be given in exchange for the land to be compulsorily acquired with the same rights, trusts and incidents	No plots
Land to be acquired does not exceed 200 metres or is required for the widening or drainage of an	No plots

existing highway and the giving of land in exchange is unnecessary	
For open space land only, replacement land in exchange is not available or would only be available at a prohibitive cost	No plots
For open space land only, the land is only being compulsorily acquired for a temporary purpose	No plots

### 7.3 National Trust “inalienable” Land

- 7.3.1 None of the land to be acquired for the Scheme is National Trust “inalienable” land for the purposes of section 130 of the 2008 Act.

### 7.4 Statutory Undertaker Land

- 7.4.1 The Applicant has, during the preparation of the application been in discussion with statutory undertakers regarding existing utilities along the Scheme length. None of the land to be acquired for the Scheme is statutory undertakers’ land for the purposes of section 127(3) of the 2008 Act.
- 7.4.2 The status of statutory undertaker interactions with the Scheme are as follows:
- Utilities searches have identified that there is statutory undertaker’s equipment located within the Order Limits belonging to various utility companies. Most notably, this includes a 132kV overhead high voltage electricity line operated by National Grid Electrical Distribution and a pumped sewer main operated by Severn Trent.
  - The overhead high voltage electricity line runs north-south on the western side of the A46, crossing the B4082 immediately west of the existing Walsgrave Junction. This overhead transmission line would not be impacted by the Scheme. The proposed alignments have been designed to not affect the required clearances of the existing overhead lines. Working restrictions in the vicinity of the overhead lines and the pylons would be in place and agreed with the utility company.
  - The pumped sewer main runs north–south along the western side of the A46. It is within the Order Limits at the satellite compound. In this location it veers westwards towards the River Sowe. Any protection

works required to the sewer would be identified with Severn Trent during the detailed design stage.

- There is a Vodafone ducted cable asset located in the western verge of the A46 opposite Coombe Pool. This has been located by trial hole. This asset does not require diversion due to the Scheme. Proposed drainage outfalls will cross beneath the asset, these works will be coordinated with Vodafone.

7.4.3 Schedules 42 and 43 of the **draft DCO (TR010066/APP/3.1)** provide rights to the Applicant over statutory undertaker land and apparatus. Schedule 10 (Protective Provisions) of the **draft DCO (TR010066/APP/3.1)** provides the protection of the utility undertakers referred to in Part 1 and of the Schedule, unless otherwise agreed in writing between the undertaker and the utility undertaker concerned.

## 7.5 Other consents

- 7.5.1 The **Consents and Agreements Position Statement (TR010066/APP/3.3)** sets out the additional consents outside of the **draft DCO (TR010066/APP/3.1)** and the current position as to the status of securing those consents. The **Consents and Agreements Position Statement (TR010066/APP/3.3)** will continue to be updated as necessary during examination.
- 7.5.2 The Applicant is satisfied that all necessary consents to enable the Scheme to proceed have been identified and that there is no reason why such consents should not be secured or granted pursuant to the **draft DCO (TR010066/APP/3.1)**.

## 8 Conclusions

### 8.1 Overview

- 8.1.1 This Statement sets out why compulsory acquisition powers have been sought in the application and explains why the Applicant considers such powers they are necessary, proportionate, and justified.
- 8.1.2 In determining the extent of compulsory acquisition and temporary possession powers set out in the **draft DCO (TR010066/APP/3.1)** the Applicant has had regard to the legislative tests set out in the 2008 Act and to the advice in the CA Guidance. The Applicant is content that the scope of powers sought and the extent of the interests in the Land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow the Applicant to construct, operate and maintain the Scheme. The purpose for which each part of the Land is required is set out in **Annex A** of this Statement.
- 8.1.3 The Applicant has consulted all persons affected by the compulsory acquisition and temporary possession powers and persons who may have a claim for compensation arising from the Scheme. The Applicant has consulted such persons during preparation of the application and in the design of the Scheme to address their concerns and to ensure that any impacts are reduced or removed. The Applicant has further sought to acquire any interests in the Land by agreement wherever practicable. The status of negotiations with affected land interests for the acquisition of their interest is set out in **Annexes** of this Statement.
- 8.1.4 The Applicant has considered the human rights of the individuals affected by the compulsory acquisition and temporary possession powers. The Applicant is satisfied that there is a compelling public interest case for compulsory acquisition and that the significant public benefits arising from the Scheme will outweigh the harm to those individuals.
- 8.1.5 Without the grant of compulsory acquisition and temporary possession powers the Applicant considers that it will not be possible to construct the Scheme, or realise the public benefits arising from it.

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## Annexes

- Annex A** Details of the purpose for which compulsory acquisition and temporary possession powers are sought
- Annex B** Schedule of all objections to the granting of compulsory acquisition powers and progress of negotiations with land interests subject to compulsory acquisition powers
- Annex C** Use of Special Category Land

Details of the purpose for which compulsory acquisition and temporary possession powers are sought

Statement of Reasons – Annex A [Rev 0 - November 2024]

The specific purposes for which each plot of Land subject to compulsory acquisition powers is required are set out in the tables in this Annex. The first column of each table identifies the plot number (as shown on the **Land Plans (TR010066/APP/2.2)** and used in the **Book of Reference (TR010066/APP/4.3)**. Plots can be grouped in each row to the extent that they relate to the same Work. The second column of each table sets out the corresponding Works numbers as shown on the Works Plans and the broad uses for which the plot in question is required.

The tables in this Annex A should be read in conjunction with and by reference to the:

**Land Plans (TR010066/APP/2.2)**

**Works Plans (TR010066/APP/2.3); and**

**draft DCO (TR010066/APP/3.1)**

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/1a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/1b	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/1c	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/1d	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/2	1A	Improvement and realignment of the existing A46 southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/3	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/4	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/6a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/7a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/8	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/9a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/1a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/1a	1K	Removal and reinstatement of existing environmental bund situated southeast of the realigned A46 (Work No. 1A), from north of the Smite Brook culvert for up to 150 metres in length, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
2/1h	2A	Improvement and realignment of the existing B4082, as shown on sheets 2, 3 and 4 of the Works Plans (TR010066/APP/2.3).
2/1i	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/1j	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the works plans.
2/1k	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/1l	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/3b	3A	Proposed Environment Mitigation Area.
2/3c	1A	Improvement and realignment of the existing A46 southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/3g	1M	A new northern pond access, as shown on sheet 2 and 4 of the Works Plans (TR010066/APP/2.3).



Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/3g	2A	Realignment, improvement and new construction of the B4082 road, as shown on sheets 2, 3 and 4 of the Works Plans (TR010066/APP/2.3).
2/3g	2C	A new private means of access, 118 metres in length, commencing at a new junction with the realigned B4082 road (Work No. 2A) and terminating at Hungerley Hall Farm buildings, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
2/3g	2E	A new southern detention basin, together with associated private means of access (Work No. 2G) and drainage facilities, situated at a location to the northeast of Work No. 2A, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/3g	2G	A new southern detention basin access, 41 metres in length, commencing at a location approximately 140 metres from the existing Clifford Bridge Road roundabout and terminating at Work No. 2E, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/3g	2H	A new ditch along the western side of the B4082 commencing from north of Work No. 2C and terminating adjacent to Work No.1D, as shown on sheets 2 and 4 of the Works Plans (TR010066/APP/2.3).
2/5a	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/5b	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/5c	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/6	2I	A new signalised pedestrian crossing situated 20 metres east of Clifford Bridge Road roundabout, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
3/1a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
3/1b	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
3/1b	2B	A new private means of access, 34 metres in length, commencing from a new junction with the realigned B4082 road (Work No. 2A) and terminating at Hungerley Hall Farm Accommodation Bridge, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/1c	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
3/1c	1C	A new northbound off-slip, 260 metres in length, commencing at a location situated 128 metres north of the existing Hungerley Hall Farm Accommodation Bridge and continuing northwest until the new circulatory carriageway of western roundabout (Work No. 1G), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/1c	1F	A new southbound on-slip, 270 metres in length, commencing from the new circulatory carriageway of eastern roundabout (Work No. 1H) and continuing southwest to merge with the existing A46, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/1d	3A	Proposed Environment Mitigation Area.
3/2a	3A	Proposed Environment Mitigation Area.
3/2b	1M	A new northern pond access, as shown on sheet 2 and 4 of the Works Plans (TR010066/APP/2.3).
3/2b	2A	Realignment, improvement and new construction of the B4082 road, as shown on sheets 2, 3 and 4 of the Works Plans (TR010066/APP/2.3).
3/2b	2B	A new private means of access, 34 metres in length, commencing from a new junction with the realigned B4082 road (Work No. 2A) and terminating at Hungerley Hall Farm Accommodation Bridge, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
3/2b	2D	A new central pond, together with associated private means of access and drainage facilities, situated at a location between Work No.1A and Work No. 2A, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/2b	2F	A new pond access, 81 metres in length, commencing at its junction with the realigned B4082 (Work No. 2A) around Work No. 2D, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/2b	2H	A new ditch along the western side of the B4082 commencing from north of Work No. 2C and terminating adjacent to Work No.1D, as shown on sheets 2 and 4 of the Works Plans (TR010066/APP/2.3).
3/2c	1F	A new southbound on-slip, 270 metres in length, commencing from the new circulatory carriageway of eastern roundabout (Work No. 1H) and continuing southwest to merge with the existing A46, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/2c	1H	New roundabout to the east of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/3	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
3/3	1B	A new A46 Walsgrave overbridge comprising of single span, 30 metres in length, carrying the new dumb-bell link road connecting the two new roundabouts (Work No 1G and 1H) of the new A46 Walsgrave grade separated junction, as shown on sheet 4 of the work plans.
3/3	1C	A new northbound off-slip, 260 metres in length, commencing at a location situated 128 metres north of the existing Hungerley Hall Farm Accommodation Bridge and continuing northwest until the new circulatory carriageway of western roundabout (Work No. 1G), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/3	1D	A new northbound on-slip, 290 metres in length, commencing from the new circulatory carriageway of western roundabout (Work No. 1G) and continuing northeast to merge with the existing A46, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/3	1E	A new southbound off-slip, 290 metres in length, commencing at a location situated 460 metres south of the existing Farber Road Overbridge and continuing southeast until the new circulatory carriageway of eastern roundabout (Work No. 1H), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/3	1I	New maintenance layby, 110 metres in length, constructed along the A46 northbound carriageway located north of the northbound off-slip (Work No.1C) and south of the northbound on-slip (Work No.1D), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/3	1J	A new gantry, or similar signage, over the A46 northbound carriageway, at a location situated 28 metres south of the new single span overbridge (Work No. 1B), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4a	1B	A new A46 Walsgrave overbridge comprising of single span, 30 metres in length, carrying the new dumb-bell link road connecting the two new roundabouts (Work No 1G and 1H) of the new A46 Walsgrave grade separated junction, as shown on sheet 4 of the work plans.
3/4a	1C	A new northbound off-slip, 260 metres in length, commencing at a location situated 128 metres north of the existing Hungerley Hall Farm Accommodation Bridge and continuing northwest until the new circulatory carriageway of western roundabout (Work No. 1G), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4a	1D	A new northbound on-slip, 290 metres in length, commencing from the new circulatory carriageway of western roundabout (Work No. 1G) and continuing northeast to merge with the existing A46, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4a	1G	New roundabout to the west of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/4a	1M	A new northern pond access, as shown on sheet 2 and 4 of the Works Plans (TR010066/APP/2.3).
3/4a	2A	Realignment, improvement and new construction of the B4082 road, as shown on sheets 2, 3 and 4 of the Works Plans (TR010066/APP/2.3).
3/4a	2H	A new ditch along the western side of the B4082 commencing from north of Work No. 2C and terminating adjacent to Work No.1D, as shown on sheets 2 and 4 of the Works Plans (TR010066/APP/2.3).
3/4b	1B	A new A46 Walsgrave overbridge comprising of single span, 30 metres in length, carrying the new dumb-bell link road connecting the two new roundabouts (Work No 1G and 1H) of the new A46 Walsgrave grade separated junction, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4b	1E	A new southbound off-slip, 290 metres in length, commencing at a location situated 460 metres south of the existing Farber Road Overbridge and continuing southeast until the new circulatory carriageway of eastern roundabout (Work No. 1H), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4b	1F	A new southbound on-slip, 270 metres in length, commencing from the new circulatory carriageway of eastern roundabout (Work No. 1H) and continuing southwest to merge with the existing A46, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4b	1H	New roundabout to the east of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4d	1L	A new northern pond, together with associated private means of access and drainage facilities, situated at a location west of Work No.1A and south of Work No. 4A, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/1a	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
4/1a	1D	A new northbound on-slip, 290 metres in length, commencing from the new circulatory carriageway of western roundabout (Work No. 1G) and continuing northeast to merge with the existing A46, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/1a	1E	A new southbound off-slip, 290 metres in length, commencing at a location situated 460 metres south of the existing Farber Road Overbridge and continuing southeast until the new circulatory carriageway of eastern roundabout (Work No. 1H), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/1b	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
4/2b	1L	A new northern attenuation pond, together with associated private means of access and drainage facilities, situated at a location west of Work No.1A and south of Work No. 4A, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/2b	1M	A new northern pond access, as shown on sheet 2 and 4 of the Works Plans (TR010066/APP/2.3).
4/2c	1E	A new southbound off-slip, 290 metres in length, commencing at a location situated 460 metres south of the existing Farber Road Overbridge and continuing southeast until the new circulatory carriageway of eastern roundabout (Work No. 1H), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/2e	1A	Improvement and realignment of the existing A46 southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
4/2f	1L	A new northern attenuation pond, together with associated private means of access and drainage facilities, situated at a location west of Work No.1A and south of Work No. 4A, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/2f	1M	A new northern attenuation pond access, as shown on sheet 2 and 4 of the Works Plans (TR010066/APP/2.3).
5/1	1A	Improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).

#### Acquisition of Rights – by Plot Number

Acquisition of Rights – by Plot Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:

2/3d	2G	Rights of access over land to access the new southern detention basin for the purposes of inspecting and maintaining the drainage assets and associated landscaping, on adjoining land including rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.
2/3e	2G	Rights of access over land to access the new southern detention basin for the purposes of inspecting and maintaining the drainage assets and associated landscaping, on adjoining land including rights to pass and repass and to remain on the land, with or without vehicles, plant or machinery.

### Temporary Possession of Land – by Work Number

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
1/6b	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/7b	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
1/9b	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/1b	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/1d	3C	Temporary access and working area to facilitate the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
2/1e	3C	Temporary access and working area to facilitate the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
2/1f	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/1g	3C	Temporary access and working area to facilitate the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).



Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
2/2	3C	Temporary access and working area to facilitate the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
2/3a	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/3f	2C	Temporary access and working area to facilitate the new private means of access, 118 metres in length, commencing at a new junction with the realigned B4082 road (Work No. 2A) and terminating at Hungerley Hall Farm buildings, as shown on sheet 2 of the Works Plans (TR010066/APP/2.3).
2/3f	2G	Temporary access and working area to facilitate the new southern detention basin access, 41 metres in length, commencing at a location approximately 140 metres from the existing Clifford Bridge Road roundabout and terminating at Work No. 2E, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/3f	2E	Temporary access and working area to facilitate the new southern detention basin, together with associated private means of access (Work No. 2G) and drainage facilities, situated at a location to the northeast of Work No. 2A, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/4	1A	Temporary access and working area to facilitate the improvement and realignment of the existing A46 northbound and southbound carriageway, as shown on sheets 1, 2, 4 and 5 of the Works Plans (TR010066/APP/2.3).
2/7	2I	Temporary access and working area to facilitate the new signalised pedestrian crossing situated 20 metres east of the existing Clifford Bridge Road roundabout and the extension of existing footway, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
2/8	2I	Temporary access and working area to facilitate the new signalised pedestrian crossing situated 20 metres east of the existing Clifford Bridge Road roundabout and the extension of existing footway, as shown on sheet 3 of the Works Plans (TR010066/APP/2.3).
3/2d	1H	Temporary access and working area to facilitate the new roundabout to the east of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/2e	1M	Temporary access and working area to facilitate the new northern pond access, as shown on sheet 2 and 4 of the Works Plans (TR010066/APP/2.3).
3/2e	2H	Temporary access and working area to facilitate the new ditch along the western side of the B4082 commencing from north of Work No. 2C and terminating adjacent to Work No. 1D, as shown on sheets 2 and 4 of the Works Plans (TR010066/APP/2.3).



Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	DCO Work No.	Purpose for which the land is required:
3/4c	1H	Temporary access and working area to facilitate the new roundabout to the east of the A46 providing connection between the existing A46 and realigned B4082, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4e	1L	Temporary access and working area to facilitate the new northern pond, together with associated private means of access and drainage facilities, situated at a location west of Work No. 1A and south of Work No. 4A, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4e	1M	Temporary access and working area to facilitate the new northern pond access, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
3/4e	2H	Temporary access and working area to facilitate the new ditch along the western side of the B4082 commencing from north of Work No. 2C and terminating adjacent to Work No. 1D, as shown on sheets 2 and 4 of the Works Plans (TR010066/APP/2.3).
3/4e	4A	A temporary construction compound, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/2a	4A	A temporary construction compound, as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).
4/2d	1E	Temporary access and working area to facilitate the new southbound off-slip, 290 metres in length, commencing at a location situated 460 metres south of the existing Farber Road Overbridge and continuing southeast until the new circulatory carriageway of eastern roundabout (Work No. 1H), as shown on sheet 4 of the Works Plans (TR010066/APP/2.3).

Schedule of all objections made by representation to the granting of compulsory acquisition powers and progress of negotiations with those affected persons

Statement of Reasons – Annex B [Rev 0 - November 2024]

## ANNEX B HAS BEEN SUPERCEDED BY DOCUMENT 8.2 LAND AND RIGHTS NEGOTIATIONS TRACKER, SUBMITTED AT PROCEDURAL DEADLINE A, 25 APRIL 2025

The table below shows the progress of negotiations with affected persons. Please note that the table is correct at the date of submission. It is the intention of National Highways to submit further updates post-application, either when appropriate or as directed by the Examining Authority.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
	Ian Sinclair Grindal	Category 1	(a) Permanent	2/3b, 2/3c, 2/3g 3/2a, 3/2b, 3/2c	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.  A response has been received from the Agent (Fisher German) on 30 September 2024, confirming that they are instructed to commence negotiations on behalf of the Grindal Family & Walsgrave Hill Farm Partnership.  Rather than returning the supplied forms Fisher German have been instructed by the above-named clients to write to confirm that as part of their ongoing instructions they will be representing both parties in relation to any discussions surrounding acquisition by agreement. The email is confirmation that the clients wish to proceed on this basis.
			(b) Temporary	2/3a, 2/3f 3/2d, 3/2e	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary	2/3d, 2/3e	N	N/A	Rights included in letter mentioned above.
	Ian Sinclair Grindal	Category 2	(a) Permanent	1/7a, 1/9a 2/1a, 2/1h, 2/1i, 2/1j, 2/1k, 2/1l, 2/5a, 2/5b, 2/5c	Y	N/A	None has been undertaken to date.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
				3/1a, 3/1b, 3/1c, 3/1d			
			(b) Temporary	1/7b, 1/9b 2/1b, 2/1d, 2/1e, 2/1f, 2/1g, 2/8	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Anthony John Ridgway	Category 1	(a) Permanent	3/4a, 3/4b, 3/4d 4/2b, 4/2c, 4/2e, 4/2f	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.
			(b) Temporary	3/4c, 3/4e 4/2a, 4/2d	N	N/A	None has been undertaken to date.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
			(c) Rights and Temporary		N		Rights included in letter mentioned above.
	Anthony John Ridgway	Category 2	(a) Permanent	4/1b	Y	N/A	None has been undertaken to date.
			(b) Temporary		N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Coventry City Council	Category 1	(a) Permanent	2/1a, 2/1h, 2/1i, 2/1k, 2/5a, 2/5b, 2/5c, 2/6  4/1b	Y	N/A	None has been undertaken to date
			(b) Temporary	2/1e, 2/1f, 2/2, 2/3a, 2/4, 2/7, 2/8	N	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation of plots 2/7 and 2/8, as these were originally proposed to be acquired permanently.
			(c) Rights and Temporary	2/3e	N	N/A	Rights included in letter mentioned above.
	Coventry City Council	Category 2	(a) Permanent	1/7a, 1/9a  2/1j, 2/1l, 2/3b, 2/3c, 2/3g,  3/1a, 3/1b, 3/1c, 3/1d,	Y	N/A	None has been undertaken to date.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
				3/2a, 3/2b, 3/2c			
			(b) Temporary	1/7b, 1/9b 2/1b, 2/1d, 2/1g, 2/3f, 3/2d, 3/2e	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary	2/3d	N	N/A	Rights included in letter mentioned above.
	C.J. Grindal & Son (Occupier of Grindal and Ridgway Land)	Category 1	(a) Permanent	2/3b, 2/3c, 2/3g 3/2a, 3/2b, 3/2c, 3/4a, 3/4b, 3/4d 4/2b, 4/2c, 4/2e, 4/2f	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.  A response has been received from the Agent (Fisher German) on 30 September 2024, confirming that they are instructed to commence negotiations on behalf of the Grindal Family & Walsgrave Hill Farm Partnership.  Rather than returning the supplied forms Fisher German have been instructed by the above-named clients to write to confirm that as part of their ongoing instructions they will be representing both parties in relation to any discussions surrounding acquisition by agreement. The email is confirmation that the clients wish to proceed on this basis.
			(b) Temporary	2/3a, 2/3f 3/2d, 3/2e, 3/4c, 3/4e 4/2a, 4/2d	N	N/A	None has been undertaken to date.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
			(c) Rights and Temporary	2/3d, 2/3e	N	N/A	Rights included in letter mentioned above.
	C.J. Grindal & Son (Occupier of Grindal and Ridgway Land)	Category 2	(a) Permanent	3/1b, 3/1d	Y	N/A	None has been undertaken to date.
			(b) Temporary		N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Robert James Grindal	Category 1	(a) Permanent	2/3b, 2/3c, 2/3g 3/2a, 3/2b, 3/2c	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.  A response has been received from the Agent (Fisher German) on 30 September 2024, confirming that they are instructed to commence negotiations on behalf of the Grindal Family & Walsgrave Hill Farm Partnership.  Rather than returning the supplied forms Fisher German have been instructed by the above-named clients to write to confirm that as part of their ongoing instructions they will be representing both parties in relation to any discussions surrounding acquisition by agreement. The email is confirmation that the clients wish to proceed on this basis.
			(b) Temporary	2/3a, 2/3f 3/2d, 3/2e	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary	2/3d, 2/3e	N	N/A	Rights included in letter mentioned above.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
	Robert James Grindal	Category 2	(a) Permanent	1/7a, 1/9a  2/1a, 2/1h, 2/1i, 2/1j, 2/1k, 2/1l, 2/5a, 2/5b, 2/5c  3/1a, 3/1b, 3/1c, 3/1d	Y	N/A	None has been undertaken to date.
			(b) Temporary	1/7b, 1/9b  2/1b, 2/1d, 2/1e, 2/1f, 2/1g, 2/8	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Hugo Robert Armitage	Category 1	(a) Permanent	3/4a, 3/4b, 3/4d  4/2b, 4/2c, 4/2e, 4/2f	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.



Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
			(b) Temporary	3/4c, 3/4e 4/2a, 4/2d	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Hugo Robert Armitage	Category 2	(a) Permanent	4/1b	Y	N/A	None has been undertaken to date.
			(b) Temporary		N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Jonathan Seymour Chandos Bathurst	Category 1	(a) Permanent	3/4a, 3/4b, 3/4d 4/2b, 4/2c, 4/2e, 4/2f	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
			(b) Temporary	3/4c, 3/4e 4/2a, 4/2d	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	None has been undertaken to date.
	Jonathan Seymour Chandos Bathurst	Category 2	(a) Permanent	4/1b	Y	N/A	None has been undertaken to date.
			(b) Temporary		N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.
	Stephen John Ridgway	Category 1	(a) Permanent	3/4a, 3/4b, 3/4d 4/2b, 4/2c, 4/2e, 4/2f	Y	N/A	Letter sent to land interest by National Highways on 17 September 2024 with regards to acquisition of land by negotiation.
			(b) Temporary	3/4c, 3/4e 4/2a, 4/2d	N	N/A	None has been undertaken to date.
			(c) Rights and Temporary		N	N/A	None has been undertaken to date.
	Stephen John Ridgway	Category 2	(a) Permanent	4/1b	Y	N/A	None has been undertaken to date.
			(b) Temporary		Y	N/A	None has been undertaken to date.

Obj No:	Land Interest Name/Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent/ Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Side Agreement (s)	Status of objection and negotiations with land interest:
			(c) Rights and Temporary		N	N/A	Rights included in letter mentioned above.

## Statement of Reasons – Annex C - [Rev 0 - November 2024]

The table below shows the progress of negotiations on use of **Special Category Land** on a temporary basis. Please note that the table is correct at the date of submission. It is the intention of National Highways to submit further updates post-application, either when appropriate or as directed by the Examining Authority. This table is included for information only.

	Land Interest Organisation and Agents Name (if applicable):	Type of Interest:	Permanent/Temporary:	Plot(s):	Status of negotiations land owner(s);
1	National Highways	Part 1 (Category 1 – Owner)	Temporary possession	2/1e	<p>The land required temporarily for the Scheme forms part of Coombe Abbey Park, Registered Park and Garden.</p> <p>Temporary possession and use of approximately 65.39 square metres of woodland, water course and banks (Smite Brook), forming part of Coombe Abbey Park, to the north east of public adopted highway (Gainford Rise) and south of Hungerley Hall Farm, in the Parish of Combe Fields</p> <p>The open space land will be required temporarily during the construction of the Scheme for the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (Work No. 3B) (<b>TR010066/APP/2.3</b>). Full details are provided within Annex B of this Statement and the Special Category Land Plans (<b>TR010066/APP/2.8</b>).</p> <p>As the land is only subject to temporary possession, replacement land is not required in accordance with sections 131 and 132 of the 2008 Act.</p> <p>National Highways own this plot.</p>
2	Coventry City Council	Part 1 (Category 1 – Owner)	Temporary possession	2/2	<p>The land required temporarily for the Scheme forms part of Coombe Abbey Park, Registered Park and Garden.</p> <p>Temporary possession and use of approximately 1736.96 square metres of grass verge, woodland, water course and banks (Smite Brook), forming part of Coombe Abbey Park, to the east of public adopted highway (Gainford Rise) and south of Hungerley Hall Farm, in the Parish of Combe Fields</p> <p>The open space land will be required temporarily during the construction of the Scheme for the reinstatement of existing timber fence where required and vegetation removal, as shown on sheet 2 of the Works Plans (Work No. 3B) (<b>TR010066/APP/2.3</b>). Full details are provided within Annex B of this Statement and the Special Category Land Plans (<b>TR010066/APP/2.8</b>). As the land is only subject to temporary possession, replacement land is not required in accordance with sections 131 and 132 of the 2008 Act.</p> <p>Coventry City Council have been informed of the works proposed on this plot.</p>