

A46 Coventry Junctions (Walsgrave) Scheme Number: TR010066

8.19 Applicant's Comments on Submissions Received at Deadline 2

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 17(1)

Planning Act 2008

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**The Infrastructure Planning
(Examination Procedure) Rules 2010**

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

**APPLICANT'S COMMENTS ON SUBMISSIONS
RECEIVED AT DEADLINE 2**

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1. Introduction

1.1. Purpose of this document

- 1.1.1. The Development Consent Order (DCO) application for the A46 Coventry Junctions (Walsgrave) Scheme (the “Scheme”) was submitted by National Highways (the “Applicant”) to the Secretary of State for Transport via the Planning Inspectorate on 14 November 2024 and accepted for Examination on 12 December 2024.
- 1.1.2. This document has been prepared by the Applicant to set out its comments on submissions received at Deadline 2 issued on 19 June 2025. This document is submitted at Deadline 3 of the Examination.
- 1.1.3. Only one submission was received from the Environment Agency (Comments on any further information/ submissions received by D1 (**REP2-007**)) in response to the Applicant’s Response to Relevant Representations (**REP1-021**).

2. List of Submissions

Ref No.	Representation By:	Submission:
REP2-007	Environment Agency	Environment Agency - Comments on any further information / submissions received by D1

3. Applicant's comments on submissions received at Deadline 2

Environment Agency's comments on Applicant's Response on Relevant Representations (REP1-021)

Representation recorded comments	Applicant's Response
The Environment Agency's Role	
No additional comments provided by the EA	No response required.
Draft Development Consent Order, 3.1. Part 4, Supplemental Powers - Article 22 – Powers in relation to watercourses	
It has been confirmed by the applicant that they will not be disapplying legislation (FRAP) but will be going down the permitting route.	The Applicant notes the response and confirms that this is stated in the Consents and Agreements Statement (REP1-004).
4.0. Part 6: Miscellaneous and General, 4.1. Article 52 – Disapplication and Modification of legislative provisions	
It has been confirmed by the applicant that they will not be disapplying legislation (FRAP) but will be going down the permitting route.	The Applicant notes the response and confirms that this is stated in the Consents and Agreements Statement (REP1-004).
5.0. Schedule 2 – Requirements, 5.1. Second iteration Environmental Management Plan	
No additional comments provided by the EA	No response required.
5.2. Landscaping – Requirement 6	
The applicant has sufficiently considered the issue regarding INNS and will make a commitment in the Second Iteration EMP.	No response required.
5.3. Biodiversity Net Gain	
The EA are not a direct statutory body for BNG but we encourage the applicant to provide for linear watercourses where possible.	<p>In their Relevant Representation (RR-012), the Environment Agency put forward the solution to G6 as being “<i>Provide detailed plans of how mitigation measures will enhance the watercourses. Provide BNG where possible</i>”. The Applicant had a meeting with the Environment Agency on 5 June 2025 to discuss the impacts to watercourses, ephemeral ditches, green engineering and scour protection related to their Relevant Representation (RR-012) on this matter. Both parties agreed with the Applicant's relevant representation response, which is set out below, noting that a small length of existing ephemeral ditch that will be lost as part of the Scheme in the location of the new junction will be replaced with a new ephemeral drainage ditch. Ephemeral ditches are not considered as watercourses in accordance with the BNG metric.</p> <p>For watercourses, under the BNG metric there are various ways that a unit can be impacted and require BNG, such as loss, encroachment and change in condition. Some temporary habitat loss (during construction) and post- construction change in habitat in a small area of the Smite Brook riparian zone has</p>

Representation recorded comments	Applicant's Response
	<p>been identified. In accordance with the BNG metric the riparian zone extends 10m from watercourses. The riparian zone is one of the zones assessed as part of the condition assessment of a watercourse under the metric. Noting that the BNG metric applies to the riparian zones of open channel watercourses only (not culverted lengths). At Smite Brook, upstream of the Smite Brook culvert under the A46, a 10m wide section of the riparian zone between the culvert headwall at the entrance to the culvert and the Order Limits will be impacted through a change in habitat type as the existing woodland will be removed as part of the vegetation clearance. This woodland will be replaced with grassland. The post-construction BNG metric calculations have been undertaken with grassland as the habitat type in the riparian zone for the watercourse, and no change in the condition of the watercourse was identified, therefore there is no loss of BNG watercourse units (i.e. it does not make a difference to the condition of the watercourse unit if the riparian zone is woodland or grassland). It should be noted that for construction impacts, if the original condition can be achieved within two years, then construction does not need to be considered. This is the case in this situation which is noted along with the post-construction calculations in ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076).</p> <p>In the Applicant's Response to Relevant Representations (REP1-021), the Applicant stated for G6: "As detailed within ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076) as a Nationally Significant Infrastructure Project (NSIP) submitting a DCO application in late 2024 the Scheme is not subject to mandatory BNG under the Environment Act 2021, which is due to come into force for NSIPs in November 2025 [Now May 2026]. The Scheme is a transition scheme sitting within the Road Investment Strategy 2 (RIS2) period (2020 – 2025) and as such the Applicant has set a +10% BNG targets for both area-based habitats and linear-hedgerow habitats. There is no target set by the Applicant regarding linear watercourse habitats.</p> <p><i>The Scheme will have no direct impacts on any features qualifying as watercourses under the Statutory Metric guidance (i.e. excluding ephemeral ditches). Impacts to watercourses (as considered under the Statutory Metric) and their riparian zones are limited to some temporary habitat loss and post- construction change in habitat in a small area of the Smite Brook riparian zone. The baseline and projected postconstruction biodiversity units for linear watercourses have been calculated and presented herein, including accounting for the change in Smite Brook riparian zone, to provide a complete and transparent picture of the change in biodiversity due to the Scheme. The calculations evidence 'no net loss' to watercourses and as such are in support of no impacts.</i></p> <p><i>ES Chapter 13 (Road Drainage and the Water Environment) (APP-035) presents the assessment of impacts to watercourses. With mitigation proposed, there are no significant residual effects. It is not possible to provide enhancements without causing direct environmental impacts to watercourses, which as a result of the Scheme, are currently not directly impacted."</i></p> <p>Given that there is no change in the condition of the watercourse units there are two key reasons why it is not practicable to enhance the current watercourses:</p> <ul style="list-style-type: none"> • This would create new additional impacts in areas of the watercourse (s) that are not currently impacted by the Scheme.

Representation recorded comments	Applicant's Response
	<ul style="list-style-type: none"> Given the length of the watercourses flowing through the Order Limits are constrained by the nature of the direction of flow, enhancements are not possible. <p>The Applicant's position remains the same as in the Applicant's Response to Relevant Representations (REP1-021).</p>
5.4. Contaminated Land and Groundwater – Requirement 7	
The EA would like the additional wording as recommended in the relevant representations to be included which would provide us with confidence that if any form of contamination is found that requires cleaning up the work needs to be recorded and validated, and we would recommend consultation with us with the findings.	The Applicant is considering the Environment Agency's request.
6.0. Schedule 9 6.1. Protective Provisions	
EA agrees with applicant.	No response required.
7.0. Key Issues – Biodiversity, Environmental Statement: Chapter 8 – Biodiversity, 8.10.3	
The EA agree that if no works are required at the Smite Brook then mitigation will not be required.	The Applicant notes the response
8.8.104	
The applicant will amend the biodiversity chapter to include light pollution as an example of indirect impacts to fish.	ES Chapter 8 (Biodiversity) (APP-030) has been amended to include impacts on fish and resubmitted at Deadline 3.
6.3 Environmental Statement Appendices: Appendix 8.1 Biodiversity Net Gain Report 4.5.1	
The EA are not a direct statutory body for BNG but we encourage the applicant to provide for linear watercourses where possible.	This is a duplicate point and is addressed in the response to question 5.3 above.
6.5 First Iteration Environmental Management Plan: Appendix A Register of Environmental Actions and Commitments RD2	
As the ditch is ephemeral and contains runoff water sporadically, otters are unlikely to be impacted from the temporary culvert.	No response required.
RD10	
The EA would like to see details of further enhancements to the ponds following the detailed	The Applicant considers that the approval of the design of the surface water ponds and basins is addressed by Requirement 9 of the draft DCO (REP1-002) and measure RD10 of the Register of Environmental Actions and Commitments (REAC) (APP-110), which forms Annex A of the First Iteration

Representation recorded comments	Applicant's Response
design stage.	Environmental Management Plan (EMP) (REP1-110). REAC measure RD10 states that the Environment Agency are one of the parties to approve the Drainage Strategy.
RD11	
We had a meeting with the applicant to discuss scour protection on 05 June 2025. The applicant has said they would provide us with further details (Geomorphologist). The Geomorphologist also suggested that the applicant could bring the wing walls of the outfalls further back from the watercourse to reduce impact.	<p>The Applicant attended a meeting with the Environment Agency on 5 June 2025 and has updated RD11 of the REAC (APP-110), which forms Annex A of the First Iteration EMP (REP1-110), submitted at Deadline 3, to state:</p> <p><i>"The Scheme will aim to utilise existing outfalls where possible. Where new outfalls are required the headwall must be set back into the bank to minimise the impact on flow conveyance and minimise the impact of erosion and scouring of river banks. If this is not possible then scour protection must be provided to ensure the risk of erosion is minimised. The scour protection will be preferentially provided through the use of green methods where possible."</i></p> <p>As detailed design of these aspects has yet to commence, there is no additional information to provide to the Environment Agency.</p>
8.0 Key Issues - Pollution Prevention Appendix A Register of Environmental Actions and Commitments G6	
The EA are not a direct statutory body for BNG but we encourage the applicant to provide for linear watercourses where possible.	This is a duplicate point and is addressed in the response to question 5.3 above
RD1	
Noted	No response required.
8.1. Dewatering	
Noted	No response required.
9.0. Flood Risk & Hydraulic Modelling Appendix A Register of Environmental Actions and Commitments	
Noted	No response required.
9.1	
Noted	No response required.
9.2. Chapter 13 – Road Drainage and Water Environment	
Noted	No response required.
9.4 Table 1312 - Potential residual effects on ground water and surface water receptors during construction of the scheme.	
Noted	No response required.
10.0 Groundwater & Contaminated Land	

Representation recorded comments	Applicant's Response
Noted	No response required.
10.1. Environmental Statement – Chapter 9 – Geology and Soils	
No additional comments provided by the EA	No response required.
10.2. Chapter 13 – Road Drainage and the Water Environment (and Appendix 13.4 Groundwater Assessment)	
Noted	No response required.
10.3. EMP Appendix A Register of Environmental Actions and Commitments	
The Environment Agency welcomes that the applicant has noted the comments on this matter. On site management should be dynamic to manage pollution risks and any failings should be identified and remedied without delay. This includes any updates to documents that reflect operational activities.	The Applicant notes this comment.
10.4. 6.7. Pre-commencement Plan	
No additional comments provided by the EA	No response required.
10.5. 3.3 - Consents and Agreements Position Statement	
The reform to waste exemptions is delayed. However, holders of exemptions will be written to in due course when the changes come into effect. The applicant should be aware that the new volumes/tonnage are less than what are currently allowed.	The Applicant notes this comment.
11.0. Further Representations - 11.1.	
No additional comments provided from the EA	No response required.
EA Concluding Words	
In summary, we can confirm that we have no objections to the principle of the proposed development, as submitted. The issues outlined above are all capable of resolution and we look forward to receiving additional information to resolve our outstanding concerns. We will also continue to engage with the Applicant and review the Statement of Common Ground (SoCG). We reserve the right to add or amend these representations, including requests for DCO	No response required.

Representation recorded comments	Applicant's Response
requirements and protective provisions should further information be forthcoming during the examination on issues within our remit.	