

A46 Coventry Junctions (Walsgrave) Scheme Number: TR010066

8.3 Schedule of Changes to the Draft Development Consent Order

APFP Regulation 5(2)(c)

Planning Act 2008

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

Volume 3

June 2025

Infrastructure Planning

Planning Act 2008

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

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

**SCHEDULE OF CHANGES TO THE DRAFT DEVELOPMENT
CONSENT ORDER**

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010066
Application Document Reference	TR010066/APP/8.3
Author	A46 Coventry Junctions (Walsgrave) Project Team, National Highways

Version	Date	Status of Version
Rev 0	April 2025	Procedural Deadline A
Rev 1	May 2025	Deadline 1
Rev 2	June 2025	Deadline 3

A46 – Schedule of changes to the draft DCO Post-Acceptance

Changes made for Procedural Deadline A			
Ref.	Article / Schedule	Change	Reason for Change
1.	Article 10(8)-(10) Application of the 1991 Act	Deleted: (8) Subject to paragraphs (3), (9) and (10), permit schemes will apply to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part. (9) For the purposes of this Order a permit under a permit scheme may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order. (10) Without restricting the undertaker's recourse to any appeal mechanism which may be available under a permit scheme the undertaker may alternatively refer the matter to arbitration under article 56 (arbitration).	Amendment to align with Article 52(3).

2.	Article 21(10) Discharge of water	Deleted: (10) In relation to any works executed under this Order, section 66 of the Land Drainage Act 1991 ⁽¹⁾ is amended after paragraph (9) to insert— “(10) Where an application is made to an internal drainage board for their consent under a byelaw made under this section— (a) the consent is not to be unreasonably withheld; and (b) if the internal drainage board fail within 28 days after receipt of the application to notify the application in writing of their determination, the internal drainage board are deemed to have consented to the application.”.	Amendment to align with Article 52(1)(b).
3.	Article 29(1) Time limit for exercise of authority to acquire land compulsorily	Amended: “day on which this Order comes into force” to “start date”	Amendment to Article 29(1) to align with the drafting of Article 29(3).
4.	Article 32(6) Power to override easements and other rights	“(b) the exercise of any power authorised by this order; or (c) the use of any land (including the temporary use of land).” “(b) the exercise of any power authorised by this order; or (c) the use of any land (including the temporary use of land).”	Correction of formatting error, Article 32(6) should have three sub-paragraphs.

⁽¹⁾ 1991 c. 59.

5.	Article 39(1)(a)(ii) Temporary use of land for carrying out the authorised development	Deleted: “(other than in connection with the acquisition of rights only)”	Unnecessary drafting, the drafting “(other than a notice of entry or a declaration in connection with the acquisition of rights and/or the imposition of restrictive covenants only)” at the end of Article 39(a)(ii) covers both notice to treat (under the 1965 Act) and GVDs (under the 1981 Act).
6.	Article 45 Special Category Land	Changed the definition of “Order rights” for “relevant Order powers”. Amended the definition of “the special category land”.	To provide greater clarity.
7.	Article 48(1) Defence to proceedings in respect of statutory notice	Deleted: “(e)”.	Correction of typographical error.
8.	Article 52(1)(e) Disapplication and modification of legislative provisions	Deleted in its entirety.	Not required.
9.	Article 52(3) Disapplication and modification of legislative provisions	“/management” to “Management”	Correction of typographical error.
10.	Article 53(1) Amendment of local legislation	Updated sub-paragraphs (c), (e), (h) and (i).	To provide greater clarity.

11.	Article 56(2) Arbitration	New sub-paragraph added: “(2) Any matter for which the consent or approval of the Secretary of State is required under any provision of this Order is not subject to arbitration.”	Update to improve drafting.
12.	Schedule 8 Land of which temporary possession only may be taken	Two new rows inserted for plots 2/7 and 2/8.	To reflect that temporary possession only is required for these plots.
13.	Schedule 10 Documents to be Certified	Revision column added	Correction of omission.
Changes made for Deadline 1			
Ref.	Article / Schedule	Change	Reason for Change
14.	Schedule 2 Requirements	Paragraph 4(2) amended to include reference to three new management plans.	Correction of omission.
15.	Schedule 10 Documents to be Certified	Amendments made to document revision numbers.	To amend some typographical errors and reflect that certain documents have been amended for Deadline 1.
Changes made for Deadline 3			
Ref.	Article / Schedule	Change	Reason for Change
16.	Article 12(1)(b)	Addition of the word, “footpath”	Correction of omission.
17.	Article 13(4)	Deletion of article 13(4)	In response to the Examining Authority’s First Written Question DCO.1.25 to reflect that the only bridge that is being constructed carries a trunk road link road and this article is therefore not relevant.
18.	Articles 13(4) and 13(5)	Updated numbering and referencing	New numbering to reflect the deletion of Article 13(4).

19.	Article 22	Deletion of words, “Subject to Schedule 9 (protective provision)”	To reflect that there are no protective provision in Schedule 9 for the benefit of the Environment Agency.
20.	Article 50(2)	Updated wording	Correction of typographical error.
21.	Article 52(1)	Deletion of part of 1(a) and all of 1(b)	To reflect that these legislative provisions do not need to be disapplied.
22.	Schedule 2, paragraph 4	Insertion of “Ornithological Noise Monitoring at Coombe Pool SSI Method Statement” at 4(2)	To reflect an update to the First Iteration EMP Appendix A REAC (APP-110).
23.	Schedule 2, paragraph 8	Deletion of paragraph 8(1)(b) and insertion of a new 8(1)(b) and 8(1)(c).	In response to the Examining Authority’s First Written Question DCO.1.14 to include an updated mechanism for dealing with protected species which were not previously identified in the environmental statement.
24.	Schedule 2, paragraph 8	Amendment of 8(2).	To reflect the amendment to 8(1).
25.	Schedule 2, paragraph 15(1)(c)	Deletion of the word, “parties” and insertion of, “undertaker and the Secretary of State”	In response to the Examining Authority’s First Written Question DCO.1.18 to improve precision in the drafting.
26.	Schedule 6	Header updated to refer to Sheet 2A as well as Sheet 2	In response to the Examining Authority’s First Written Question DCO.1.21 to improve clarity and precision
27.	Schedule 7	Paragraph 8, “Schedule 2A, 1(1)” – update of cross reference	In response to the Examining Authority’s First Written Question DCO.1.19 to correct a typographical error.
28.	Schedule 7	Paragraph 8, “Schedule 2A, 1(2)” – update of cross reference	In response to the Examining Authority’s First Written Question DCO.1.20 to correct a typographical error.
29.	Schedule 8	Insertion of new row at the start of the table.	To clarify the position in relation to plot 1/1c.
30.	Schedule 8	Header updated to refer to Sheet 2A as well as Sheet 2	In response to the Examining Authority’s First Written Question DCO.1.21 to improve clarity and precision
31.	Schedule 8	Header updated to refer to Sheet 3A as well as Sheet 3	In response to the Examining Authority’s First Written Question DCO.1.21 to improve clarity and precision
32.	Schedule 10 Documents to be Certified	Amendments made to document revision numbers. Insertion of new documents.	To reflect that certain documents have been amended for Deadline 3 and that new documents have been submitted.