

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025



Planning Inspectorate

a46walsgrave@planninginspectorate.gov.uk

Our ref: XA/2025/100381/01-L01

Your ref: TR010066

Date: 24 June 2025

Dear Sir/Madam

A46 Coventry Junction (Walsgrave) – Development Consent Order Application

Examination: Examining Authority's First Questions

We have reviewed the Examining Authority's First Questions (dated 10 June 2025) and our comments are provided in the table appended to this letter.

Yours faithfully

[Redacted signature]

Planning Advisor – National Infrastructure Team

E-mail: NITeam@environment-agency.gov.uk

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

ExQ1	Question to:	Question:	EA Comments
AIR QUALITY			
AS.1.1	Environment Agency, Historic England, Natural England, Coventry City Council, Warwickshire County Council and Rugby Borough Council	ES Ch.3 [APP-025] – Assessment of Alternatives Do you agree with the assessments of alternatives set out in this chapter and the option selected for this application? If not set out any areas of disagreement.	The Environment Agency do not have any comments to make on this question
Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))			
BY.1.2	Natural England Environment Agency Coventry City Council Warwickshire County Council	Assessment and mitigation Do you agree with the applicant's conclusions regarding the likely significant effects on biodiversity arising from the Proposed Development? If you do, provide an explanation; if you do not, indicate the areas of disagreement with the findings and how this may influence the overall conclusions. (Refer to ES Section 8.11 Assessment of likely significant effects (both during construction and operation) [APP-030]). Do you consider the Applicants approach to the assessment and mitigation of biodiversity and nature	We agree with the Applicant's conclusions regarding the likely significant effects. We accept the conclusion that the overall significance of effect during operation to otters is 'Slight adverse' (not significant). The ditches are ephemeral and contain runoff water sporadically hence the works upon the two existing drainage ditches and the installation of a temporary culvert are unlikely to impact otters. We also understand that the A46 culvert is not anticipated to become less suitable for otter passage. With regards to the aquatic component, we accept that the applicant has considered the potential direct and indirect impact to biodiversity and nature conservation features. The applicant has also identified possible enhancement options, such as the planting of aquatic and riparian vegetation within the new drainage ponds.

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		conservation to comply with the relevant parts of the National Networks National Policy Statement?	The EA agree that the applicant is complying with NN NPS.
BY.1.8	Natural England Environment Agency Coventry City Council Warwickshire County Council	<p>Management Measures</p> <p>What are your views on the Outline Landscape and Ecology Management Plan (Appendix B.4, [APP-109]) regarding:</p> <ul style="list-style-type: none"> i. Ecology strategy and principles ii. REAC Ecology iii. Biodiversity net gain iv. monitoring specifications <p>What are your views on the management measures BD1 through to BD9 set out in Table 1 of the First Iteration Environmental Management Plan Appendix A, Register of Environmental Actions and Commitments [APP-110]?</p> <p>Would the dDCO [REP1-002], Table 1 of the Register of Environmental Actions and Commitments [APP-110], and Appendix B.4 [APP-109] adequately secure all measures required to reduce the environmental impacts of material assets and waste?</p>	<ul style="list-style-type: none"> I. The Ecology strategy and principles primarily focus on terrestrial ecology, but we agree in principle with the outlined strategy. II. We agree with the actions/commitments outlined in the REAC, especially those relating to reducing light disturbance for sensitive receptors (G3), protection of habitats and protected species during construction (BD3) and INNS (BD9). III. We agree with the use of the Statutory Biodiversity Metric. The applicant has not committed to provide 10% BNG for watercourses, which we recommended. However, as NSIPs will become mandatory for NSIPs in May 2026, current implementation is not statutorily required. The BNG assessment (APP-076) outlines that the watercourse baseline will remain the same post-construction, so it is positive to see that the area of watercourse won't be reduced. IV. It is positive to read that the applicant has committed to undertake monitoring of the new habitats post-construction, to determine if the LEMP objectives have been met. <p>The EA agrees with the actions/commitments outlined in in the REAC.</p>

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

CLIMATE			
CE.1.7	Natural England Environment Agency Coventry City Council Rugby Borough Council Warwickshire County Council	Assessment and mitigation Do you agree with the applicant's conclusions regarding the likely significant effects on greenhouse gases? If you do, provide an explanation; if you do not, indicate the areas of disagreement with the findings and how this may influence the overall conclusions. (Refer to ES Section 14.11 Assessment of likely significant effects (construction and operation) [APP-036]). Do you consider the Applicants approach to the assessment and mitigation of greenhouse gas emissions to comply with the relevant parts of the National Networks National Policy Statement?	The Environment Agency do not have any comments to make on this question
CE.1.14	Natural England Environment Agency Coventry City Council Rugby Borough Council Warwickshire County Council	Management Measures What are your views on the Outline Carbon Management Plan (Appendix B.8, [APP-109]) regarding: - Approach - Carbon Management Process Monitoring and Reporting	The Environment Agency do not have any comments to make on this document

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		<p>What are your views on the management measures C1 through to C3 (related to climate) set out in Table 1 of the First Iteration Environmental Management Plan Appendix A, Register of Environmental Actions and Commitments [APP-110]?</p> <p>What are your views on the mitigation measures to minimise the carbon emissions from construction and operation? (Refer to Section 14.10 of ES Chapter 14 [APP-036]).</p> <p>Would the dDCO [REP1-002], and Table 1 of the Register of Environmental Actions and Commitments [APP-110] adequately secure all measures required to reduce the environmental impacts on climate?</p>	
GEOLOGY AND SOILS			
GS.1.1	Natural England Environment Agency Coventry City Council Rugby Borough Council Warwickshire County Council	<p>Assessment and mitigation</p> <p>Do you agree with the applicant's conclusions regarding the likely significant effects on geology and soils relating to human health, controlled waters and agricultural soils?</p> <p>If you do, provide an explanation; if you do not, indicate the areas of disagreement with the findings and</p>	<p>We agree with the conclusions of ES Chapter 9 on Geology and Soils that only minor evidence of contamination from historical activities was recorded during the site investigation (some minimal total and leachable ammoniacal nitrogen, sulphate and metal impacts in places) and that no significant volumes of Made Ground were identified outside of the landfill in the south (where no significant works are proposed anyway).</p>

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		<p>how this may influence the overall conclusions.</p> <p>(Refer to ES Section 9.11 Assessment of likely significant effects [APP-031]).</p> <p>Do you consider the Applicants approach to the assessment and mitigation of land use and land contamination and instability to comply with the relevant parts of the National Networks National Policy Statement?</p>	<p>As such, we concur that no special remedial activities or further monitoring are recommended for the Scheme during its construction or indeed its operational phase to protect Controlled Waters, other than the ones outlined in terms of construction pollution prevention and operational road run-off interception.</p> <p>We understand that the developers will keep a watching brief for anything untoward during forthcoming earthworks and take appropriate consultation and action where justified. Also, appropriate waste management controls will be put in place to deal with all soils and other materials to be handled.</p> <p>As such, we believe that the steps taken, and measures outlined do adhere to the guiding 2024 NN NPS requirements such as those set out in its paragraphs 5.154 – 5.156 and indeed with the EA's latest LCRM guidance.</p>
GS.1.5	<p>Natural England</p> <p>Environment Agency</p> <p>Coventry City Council</p> <p>Rugby Borough Council</p> <p>Warwickshire County Council</p>	<p>Management Measures</p> <p>What are your views on the management measures GS1 through to GS5 set out in Table 1 of the First Iteration Environmental Management Plan Appendix A, Register of Environmental Actions and Commitments [APP-110]?</p> <p>Would the dDCO [REP1-002], and Table 1 of the Register of Environmental Actions and</p>	<p>The Management Measures in GS1 as listed in Table 1 of the First Iteration Environmental Management Plan (EMP) Appendix A appear complete, relevant and appropriate in terms of the required protection of Controlled Waters. GS1, covers a framework for the implementation of environmental requirements on site.</p> <p>We do have to point out that GS2 to GS5 covers aspects such as hours of operation, light disturbance and continued performance of transport network. In terms of the Environment Agency, these matters are beyond our remit.</p>

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		Commitments [APP-110] adequately secure all measures required to reduce the environmental impacts of material assets and waste?	The EMP will ensure the identification and where needed, management of all issues required to reduce the environmental impacts of any significant ground contamination found. This also includes pollution where caused or excavated soil and waste material dealt with. It's subsidiary documents: Soil Handling Management Plan, Site Waste Management Plan and Materials Management Plan will also provide the same function. We welcome the fact that it will be developed and put in place to cover the activities on site. These documents appear dynamic enough to reflect any failings that may appear during the project.
MATERIAL ASSETS and WASTE			
MW.1.1	Environment Agency Coventry City Council Rugby Borough Council Warwickshire County Council	Assessment and mitigation Do you agree with the applicant's conclusions regarding the likely significant effects on material assets and waste arising from the Proposed Development? If you do, provide an explanation; if you do not, indicate the areas of disagreement with the findings and	We agree with the applicant's conclusions as the data supplied in Table 10.6 is consistent with the expected materials associated with the planned works.

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		<p>how this may influence the overall conclusions.</p> <p>(Refer to Section 10.11 of ES Chapter 10 [APP-032]).</p> <p>Do you consider the Applicants approach to reducing waste safely and maximising resource usage to comply with the relevant parts of the National Networks National Policy Statement?</p>	
MW.1.12	<p>Environment Agency</p> <p>Coventry City Council</p> <p>Rugby Borough Council</p> <p>Warwickshire County Council</p>	<p>Management Measures</p> <p>What are your views on the Outline Site Waste Management Plan (Appendix B.3 [APP-109]) regarding:</p> <ul style="list-style-type: none"> (i) resource efficiency and waste minimisation (ii) waste management (iii) monitoring; and (iv) audit and review? <p>What are your views on the management measures MA1 through to MA7 set out in Table 1 of the First Iteration Environmental Management Plan Appendix A, Register of Environmental Actions and Commitments [APP-110]?</p> <p>Would the dDCO [REP1-002], Table 1 of the Register of Environmental Actions and Commitments [APP-110],</p>	<p>Appendix B.3 [APP-109] looks to cover aspects should construction waste and importantly if hazardous waste is identified. Resource efficiency has been integrated into the management process, but the operator should also be dynamic for any unexpectedness that may arise when construction commences.</p>

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		and Appendix B.3 [APP-109] adequately secure all measures required to reduce the environmental impacts of material assets and waste?	
Road Drainage and Water Environment			
RW.1.2	The Environment Agency Warwickshire County Council Coventry City Council	Flood Risk Assessment Can you briefly confirm your views on the applicant's approach and method in the Flood Risk Assessment [AS-012] (refer to Section 13.5 of ES Chapter 13 [APP-035]). Do you consider the Flood Risk Assessment to comply with National Networks National Policy Statement, the National Planning Policy Framework and Planning Practice Guidance? Does the Flood Risk Assessment represent an accurate assessment of the flood risks on site and is the assessment proportionate to the risk and appropriate to the scale and nature of the Proposed Development?	The applicant's approach to the Flood Risk Assessment (FRA) and associated modelling complies with the requirements of the NPPF, PPG and NNN PS. We believe that the FRA and modelling are appropriate for the scale of the development proposed.
RW.1.5	Environment Agency Warwickshire County Council Coventry City Council	Sequential and Exception Tests Can you provide a brief confirmation of your views on the sufficiency and application of the sequential and exception tests outlined in the Flood Risk Assessment [AS-012]?	The Environment Agency can provide an opinion on whether a development is safe for its lifetime and does so without increasing flood risk to third parties in line with the requirements of the NPPF and PPG and second part of the exception test.

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

			<p>We do not typically confirm the first part of the exception test: “development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk.” We believe that the development proposed does meet the requirements of the second part of the exception test.</p> <p>The Sequential Test requires assessing other sites that the development could have been reasonably located at which may be at a lower risk of flooding and assessing the suitability of other sites. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.</p> <p>As an advisory the EA does acknowledge that given the nature of these works, it is likely that they must be undertaken at this location.</p>
RW.1.8	Environment Agency Warwickshire County Council Coventry City Council	Water quality and resources Do you consider the Applicants approach to managing the demand for water and potential impacts on health and on species and habitats to comply with the National Networks National Policy Statement?	The applicant has appropriately considered the project’s water resource-use and the potential impact on water-dependant habitats and ecosystems, through a WFD and GWTDE Assessment. For example, Appendix 13.4 (APP-104) outlines a GWTDE Assessment of sites that are hydrologically connected to the scheme, and the potential impacts of the activities. The risk too

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

			Herald Way Marsh SSSI (the only GWTDE) was deemed 'Negligible' due to the large distance between the scheme and the SSSI.
RW.1.14	Environment Agency Warwickshire County Council Coventry City Council	Management Measures What are your views on the management measures RD1 through to RD13 set out in Table 1 of the First Iteration Environmental Management Plan Appendix A, Register of Environmental Actions and Commitments [APP-110]? Would the draft Development Consent Order [REP1-002] and Table 1 of the Register of Environmental Actions and Commitments [APP-110] adequately secure all measures required for pollution prevention and water management for the construction and operation phases?	<p>We agree with ES Chapter 13 Road Drainage and the Water Environment (and its Appendix 13.4 Groundwater Assessment) that:</p> <p><i>'Groundwater quality and routine runoff assessments were completed to assess the risks of impacts upon groundwater quality from unlined road drainage. The detailed assessment identified that road runoff poses a potential risk to groundwater receptors in terms of water quality and infiltration to saturated aquifer units due to the limited thickness of the unsaturated zone. The use of filter drains, and unlined drainage ditches will therefore require further reassessment at the detailed design stage and discussion with the Environment Agency to confirm the risk due to the presence of shallow groundwater across the Scheme'</i></p> <p>We therefore pleased to see measure RD9 now listed in Table 1 of the First Iteration Environmental Management Plan Appendix A. Furthermore, we welcome the recognition in RD4 that any dewatering must be controlled via an abstraction licence and any subsequent discharge via an environmental permit, with specific requirements to be confirmed with ourselves via permitting pre-app advice as soon as possible.</p>

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

			We do indeed also encourage the production of a Piling Risk Assessment prior to any construction work, as per measure RD5. We believe that the measures outlined throughout the Environmental Statement to protect Controlled Waters (notably as set out in ES Appendix 13.3 (Water Quality Assessment) and Appendix 13.4 (Groundwater Assessment)) do adhere to the latest guiding 2024 NN NPS requirements such as those set out in its paragraphs 5.159, 5.252 – 5.254 and 5.258 – 5.259.
RW.1.17	All interested parties	Provision of additional flood risk information The ExA wishes to draw IPs attention to the applicant's submission [PD1-016], in response to the ExA's rule 9 requests for further information [PD-005] on the matter of updating the assessment of flood risk following the release of new flood risk data by the Environment Agency. All IPs are invited to provide comments on the Applicants response on this matter.	The Environment Agency do not have any comments to make on this document
RW.1.18	The Applicant The Environment Agency	Water Framework Directive (WFD) Assessments In relation to WFD assessments, the ExA notes that the Applicant has chosen to separate out the surface water assessment (provided as [APP-	The EA can confirm that they have no implications with the WFD Assessment being split into 2 separate documents, as long as everything that is required in the assessment is covered.

ExQ1: Tuesday 10th June 2025

Responses due by Deadline 3: Tuesday 24th June 2025

		<p>102] and titled WFD compliance assessment), and groundwater assessment (provided in ES chapter 13 [APP-135] and ES Appendix 13.4 titled groundwater assessment [APP-104], with no reference to WFD in the document titles).</p> <p>Can the applicant explain the rationale behind the separation of the WFD assessments?</p> <p>Can the Environment Agency confirm its position on the WFD assessments provided and whether there are any implications from the assessment being undertaken in multiple documents?</p>	
--	--	---	--