

## **A46 Coventry Junctions (Walsgrave) Scheme Number: TR010066**

### **8.25 Applicant's Response to the Examining Authority's Rule 17 Letter 31 July 2025**

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]

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**APPLICANT'S RESPONSE TO THE  
EXAMINING AUTHORITY'S  
RULE 17 LETTER 31 JULY 2025**

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<b>Rule Number</b>	Rule 17(1)
<b>Planning Inspectorate Scheme Reference</b>	TR010066
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<b>Author</b>	A46 Coventry Junctions (Walsgrave) Project Team, National Highways

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## CONTENTS

1.	Introduction.....	4
2.	Applicant's responses to the Examining Authority's Additional questions / clarifications – Annex C of the Rule 17 Letter .....	7

# 1. Introduction

- 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. A Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) was issued by the Examining Authority’s (ExA) on 31 July 2025 (**PD-009**) to the Applicant. This document has been prepared by the Applicant to set out its response to the ExA’s Rule 17 letter and is submitted at Deadline 5 (22 August 2025) of the Examination.
- 1.1.3. The Applicant’s response to each of the three matters discussed in the letter (**PD-009**) is set out below:

## 1 Potential change to the examination timetable.

*“We are proposing to reduce the length of the current examination timetable set out in Annex A of our Rule 8 letter [PD-007]. We have taken account all of the submissions before us to date and consider that there are relatively few matters where we still need further information during the examination.*

*The revised timetable we are proposing is set out in Annex A of this letter.*

*Should the amended timetable be implemented, we would remind all parties, notwithstanding the additional clarification questions explained in part 2 of this letter, all final submissions must be made by not later than 23.59 on **deadline 6 (D6) Tuesday 09 September 2025**. Annex B of this letter sets out the required final applicant’s update that has been amended from the existing submission required in Annex F of our earlier Rule 6 letter [PD-006].*

*Prior to formally revising the examination table, we would request all affected persons and interested parties to consider whether they wish to comment on the amended timetable set out in Annex A of this letter. We would request that any such comments should be made at the latest by 23.59 on **deadline 5 (D5) Friday 22 August 2025**.”*

**Annex A - Revised examination timetable (after deadline 5)**

Item	Matters	Date
1.	<b>Deadline 6 (D6)</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>Applicant's <b>final</b> updates. (see <b>Annex B</b>)</li> <li>Applicant's closing summary statement.</li> <li>Summary statements from parties regarding matters that they have previously raised during the examination and that have not been resolved to their satisfaction.</li> <li>Any other information submitted by the applicant.</li> <li>Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (if requested).</li> </ul>	<b>Tuesday 9 September 2025</b>
2.	<b>Deadline 7 (D7)</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (if requested).</li> </ul>	<b>Thursday 11 September 2025</b>
3.	Close of the examination	<b>Friday 12 September 2025</b>

1.1.4. **Applicant's Response:** The Applicant welcomes the proposed changes to the examination timetable. The Applicant believes that the ExA should shorten the examination and agrees that there are relatively few matters that now need addressing further during the examination and nearly all issues are resolved. The Applicant is working with stakeholders to close out any remaining issues as quickly as possible. Even if the issues are not closed out by 12 September 2025, the Applicant considers that the ExA will have sufficient information to make a recommendation on them in any event.

1.1.5. The Applicant is content that the proposed timetable shown in Annex A of the Rule 17 letter (**PD-009**) is suitable.

## **2 Additional questions/ clarifications.**

*"As a result of submission made at D3 and D4 the ExA have some questions/ clarifications that are required from the Applicant and other parties. These are set out in Annex C of this letter.*

*Responses are required at the latest by 23.59 on Friday 22 August 2025 (D5)."*

1.1.6. **Applicant's Response:** The Applicant has responded to the ExA's questions in Section 2 of this document.

### 3 Report on the implications for European sites (RIES)

*“Taking account of the applicant’s submissions and those from statutory bodies we are satisfied that it is unlikely there will be any implications for any designated European sites. As a consequence, we will not be issuing a RIES.*

*Should any party wish to comment on this matter any submission should be made at the latest by 23.59 on Friday 22 August 2025 (D5).”*

- 1.1.7. **Applicant’s Response:** The Applicant notes this comment and agrees with the ExA that a RIES is not required.

## 2. Applicant's responses to the Examining Authority's Additional questions / clarifications – Annex C of the Rule 17 Letter

Ref.	Question to:	Question:	Applicant's Response
R17.1	Applicant Coventry City Council Warwickshire County Council	<p><b>Biodiversity Net Gain – Maintenance of mitigation areas</b></p> <p>The Applicant: Provide details of the mitigation areas referred to in Table 3-1 of the Statement of Common Ground (SoCG) with Coventry City Council (page 35 of 63, <a href="#">[REP4-018]</a>).</p> <p>The Applicant, Coventry City Council, Warwickshire County Council: Provide an update which reflects the latest position regarding responsibilities for maintenance of these mitigation areas.</p>	<p>The position remains as per the Applicant's response to to the Examining Authority's First Written Questions (<b>REP3-044</b>), that Coventry County Council have in principle agreed to taking ownership of the mitigation wedge subject to agreeing terms and conditions such as a commuted sum. The Applicant welcomes the commitment from Coventry City Council to maintain the woodland area next to Coombe Abbey Park. The Applicant will be able to transfer the title once it has acquired the site and the works are complete. The Applicant will continue to consult with Coventry City Council about the maintenance requirements in accordance with Requirement 4 of the draft DCO (<b>REP3-004</b>), and in particular the Landscape and Ecology Management Plan of the Second Iteration Environmental Management Plan (EMP). No further developments are likely on this issue before the end of the examination as Coventry City Council wishes to see the landscaping detailed design before agreeing to the maintenance schedule.</p> <p>A maintenance schedule will therefore be produced at the detailed design stage as part of the Landscape and Ecology Management Plan (LEMP), which forms part of the Second Iteration EMP secured through Requirement 4 of the draft DCO (<b>REP3-004</b>). As the Scheme is also located within Warwickshire County Council's jurisdiction, joint Local Authority meetings will be arranged by the Applicant through the detailed</p>

Ref.	Question to:	Question:	Applicant's Response
			design stage to discuss and agree maintenance boundaries and any agreements deemed necessary for cross border works.
R17.2	Applicant Coventry City Council	<p><b>Coombe Pool Breach Model – Sub-licence Agreement</b></p> <p>In the SoCG with Coventry County Council <a href="#">[REP4-018]</a> it is stated that a sub-licence agreement has been forwarded to National Highways to facilitate the use of the Coombe Pool Breach Model to understand better the risks to the A46.</p> <p>The Applicant: Confirm whether you will carry out an assessment of the Proposed Development using the Coombe Pool Breach Model? If not, can you explain why not?</p> <p>Coventry City Council, The Applicant: Provide an update which reflects the latest position regarding the assessment of residual risk associated with failure of Combe Pool reservoir?</p>	<p>It is considered there is no requirement for the submission of further information. The Flood Risk Assessment (FRA) (Environmental Statement (ES) Appendix 13.1 (<b>AS-012</b>)) demonstrates that the Scheme does not pose flood risk in itself and does not exacerbate flooding issues for other areas downstream; this includes reservoir flooding. The Environment Agency, in their role as a statutory planning consultee and the relevant enforcement authority under the Reservoirs Act 1975, have agreed with the findings of the FRA (<b>AS-012</b>) (see answer to RW.1.2 of <b>REP3-051</b>, Environment Agency's Responses to Examination Authority's first Written Questions (ExQ1)) (<b>PD-008</b>).</p> <p>The Applicant has consulted with Coventry City Council. Coventry City Council have noted the Environment Agency agreement of the FRA and consider the updated cross sections provided (in Appendix 1 of <b>REP2-005</b>) demonstrate the acceptability of the FRA (<b>AS-012</b>). Therefore, Coventry City Council are in agreement with the Scheme and this issue is no longer outstanding and will be marked as Agreed in the SoCG with Coventry City Council (<b>REP4-018</b>).</p> <p>In addition, permission to access the model can only be granted by the Environment Agency (as the licence holder), who agreed only to share the model with Coventry City Council. The access details provided to the Applicant from Coventry City Council only provided access for the Council's use and did not allow the</p>



Ref.	Question to:	Question:	Applicant's Response
			Applicant access to the modelling data. Therefore, the Applicant was unable to access the model.
R17.3	Applicant	<p><b>Draft Development Consent Order (DCO) and other consents and agreements</b></p> <p>The SoCG between the Applicant and Natural England <a href="#">[REP4-022]</a> indicates the status of the topic under Ref. 1 'Biodiversity - Coombe Pool Site of Special Scientific Interest (SSSI) consent' is under discussion.</p> <p>Natural England, in response to submissions at deadline 3 (under the heading 'Works within Coombe Pool SSSI' in <a href="#">[REP4-027]</a>), state that it requires additional information to demonstrate planned works within Coombe Pool SSSI can go ahead without impact to notified features.</p> <p>At this time are you able to provide additional information to Natural England on this issue such that it can be resolved and agreed before the close of the Examination?</p>	The Applicant notes in the SoCG with Natural England ( <b>REP4-022</b> ) that Article 52 of the draft DCO ( <b>REP3-004</b> ) disapplies sections 28E and 28H of the Wildlife and Countryside Act, which are the obligations to get consent from Natural England to carry out operations in a SSSI. Therefore, the Applicant confirms that SSSI assents are not required, and this issue is currently being discussed with Natural England to resolve in the SoCG ( <b>REP4-022</b> ).
R17.4	Applicant	<p><b>Habitats Regulations Assessment (HRA) Report</b></p> <p>Natural England's submission at deadline 3 (reference BY.1.10 in <a href="#">[REP3-052]</a>) raises the matter of how the HRA report <a href="#">[APP-087]</a> should list all the qualifying features set out in page 2 of the River Mease SAC Citation, and any potential impacts to the site's Conservation Objectives. Is it your intention to update the HRA with a list of all such qualifying features along with details of any potential impacts? If not, can you explain why not?</p>	The Applicant acknowledges Natural England's point regarding qualifying features, has updated ES Appendix 8.12 - Habitats Regulations Assessment Report ( <b>APP-087</b> ), and has resubmitted this at Deadline 5.
R17.5	Applicant	<b>Lighting</b>	The Applicant has updated ES Chapter 8 (Biodiversity)

Ref.	Question to:	Question:	Applicant's Response
		<p>Natural England's comments on any further information/ submissions received by deadline 3 <a href="#">[REP4-027]</a> restate its concern regarding vegetation clearance between the road and the potential to increase light disturbance impacts on the notified features of Combe Pool SSSI.</p> <p>Can you provide Natural England with additional information regarding lighting impacts and potential measures to mitigate impacts? If not, explain why it is not available or unnecessary to do so?</p>	<p>(<b>REP3-012</b>) paragraphs 8.11.13 and 8.11.85 submitted at Deadline 5. No significant effects are reported on the Coombe Pool SSSI as a result of lighting. The Applicant has consulted with Natural England on the amended ES Chapter 8 (Biodiversity) (<b>REP3-012</b>) and the Applicant hopes to have this agreed by Deadline 6 in the updated version of the SoCG with Natural England (<b>REP4-022</b>).</p>
R17.6	Applicant Coventry City Council	<p><b>Noise mitigation - acoustic barriers</b> Coventry City Council: In the response to ExQ1 NV.1.8 <a href="#">[REP3-047]</a> it is suggested that consideration is given to the provision of acoustic barriers to protect the amenity of Hungerly Hall Farm. Clarify whether you are referring to temporary or permanent barriers? Can you also clarify whether you are suggesting a vegetated or non-vegetated design solution for the barriers?</p> <p>The Applicant: Explain why a permanent noise barrier was not considered as a possible embedded mitigation at this location?</p>	<p>ES Chapter 11 (Noise and Vibration) (<b>REP3-014</b>) paragraph 11.10.17 details that a long-term, but temporary, barrier would be required throughout the construction programme. This noise barrier for construction is included within commitment NV2 of the Register of Environmental Actions and Commitments (REAC) (First Iteration Environmental Management Plan- Appendix A) (<b>REP4-012</b>). A permanent operational noise barrier is not required as no significant effects are reported during operation in ES Chapter 11 (Noise and Vibration) (<b>REP3-014</b>).</p>
R17.7	Applicant	<p><b>Noise mitigation - operational phase</b> Natural England, in its deadline 4 response <a href="#">[REP4-027]</a> under the heading 'Noise (Source 2.2.7 REP3-028).', has stated that a permanent noise barrier should be provided to mitigate for residual</p>	<p>i) A permanent barrier is not proposed as part of the DCO because ES Chapter 8 (Biodiversity) (<b>REP3-012</b>) Table 8-24 reports no significant effects on the Coombe Pool SSSI during operation as a result of</p>

Ref.	Question to:	Question:	Applicant's Response
		<p>operational noise impacts on breeding and wintering birds in the Coombe Pool SSSI.</p> <p>(i) Explain why a permanent noise barrier at the interface between the proposed realignment of the A46 and the Coombe Pool SSSI does not currently form part of the DCO.</p> <p>(ii) Given that the woodland immediately adjacent to the A46 carriageway was shown to support low numbers of common woodland and garden species (paragraph 2.1.24. [REP3- 028]) explain why a permanent noise barrier was not considered as a possible embedded mitigation?</p>	<p>operational noise, therefore embedded mitigation is not required.</p> <p>ii) A permanent noise barrier is not proposed as it would require additional construction activities, foundations and new access tracks (to maintain the barrier during operation). These additional construction activities will increase the construction noise levels beyond what has been assessed in ES Chapter 8 (Biodiversity) (<b>REP3-012</b>). In addition, the required foundations and access track would likely impact the Coombe Pool SSSI as a result of excavations that would be required within root protection zones. In addition, the provision of a maintenance access track would result in the footprint of the Scheme encroaching into the flood zone area and triggering the requirement for flood compensation, which would likely require alterations to the order limits. The Applicant has provided a detailed response to Natural England's question regarding the recommendation for an operational noise barrier in the Applicant's Comments on Submissions Received at Deadline 4 (<b>TR01006/EXAM/8.24</b>).</p>
R17.8	Applicant Natural England	<p><b>Soils and best and most versatile agricultural land</b></p> <p>In the latest iteration of the SoCG with Natural England, the Applicant commits (Ref. 17 in Table 3-1 of [REP4-022]) to provide details regarding the monitoring and reporting of soil reinstatement and its return to agricultural use, which will be included in the Soil Handling Management Plan</p>	<p>The Applicant has consulted with Natural England and provided additional information. This matter has now been marked as agreed in the SoCG with Natural England (<b>REP4-022</b>), resubmitted at Deadline 5.</p>

Ref.	Question to:	Question:	Applicant's Response
		<p>accompanying the Second Iteration Environmental Management Plan.</p> <p>Explain the aspects currently being worked through on this topic so that a clear position is available in the SoCG.</p>	
R17.9	Applicant Natural England	<p><b>Water pollution risk</b></p> <p>The SoCG between the Applicant and Natural England (in Table 3-1 of <a href="#">[REP4-022]</a>) indicates the status of the topic under Ref. 15 'Water pollution risk – risk of silt pollution from bund works and mitigation measures' remains under discussion. Furthermore, Natural England, in response to submissions at deadline 3 <a href="#">[REP4-027]</a>, state that no further information has been provided at deadline 3 regarding water quality impacts.</p> <p>The Applicant: Are you able to provide additional information to Natural England on water quality impacts such that it can be resolved and agreed before the close of the Examination? If not, explain why it is not available or unnecessary to do so?</p> <p>The Applicant, Natural England: Explain the aspects currently being worked through on the topic of water pollution risk so that a clear position is available in the SoCG.</p>	<p>The Applicant confirms it has consulted with Natural England and received details of the information Natural England required. The Applicant has subsequently provided additional information to Natural England (sent on the 13 August 2025) for their review. This information (included as Appendix A in the Applicant's Comments on Submissions Received at Deadline 4 (<b>TR01006/EXAM/8.24</b>) for reference) outlines the draft methodology for works adjacent to the Coombe Pool SSSI and the practices that will be employed to manage the water pollution risk. The Applicant will continue to consult to resolve this matter.</p>
R17.10	Applicant Rugby	<p><b>Public rights of way (PROW) provision.</b></p> <p>In the SoCG <a href="#">[REP4-019]</a> between the applicant</p>	<p>The Applicant held a meeting with Rugby Borough Council and Warwickshire County Council on 6 August</p>

Ref.	Question to:	Question:	Applicant's Response
	Borough Council	<p>and Rugby BC only one item remains under discussion (Item 5). From Rugby BC's position we understand that it is seeking funding from the applicant towards improvements to provide better connectivity between Coombe Abbey and Coventry.</p> <p>We would like to understand what progress is being made on the issue of Rugby BC securing any funding from the applicant towards improved connectivity.</p> <p>If no progress on the issue of funding is likely to be made we would also like to understand the parties' final positions on this matter.</p>	<p>2025 where these matters were discussed.</p> <p>The Applicant welcomes Rugby Borough Council's view that the DCO as applied for will provide the necessary land and passive provision to address this issue. In the unlikely event that the DCO that is granted does not contain such provisions, the Applicant will continue to work with Rugby Borough Council and Warwickshire County Council to investigate, where possible, any potential contributions through schemes such as designated funds that could be provided outside the DCO.</p>