



Department for Transport

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National Highways
A46 Coventry Junctions Upgrade –
Three Snowhill Queensway
Birmingham
B4 6GA

4 February 2026

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Dear Sir/Madam,

PLANNING ACT 2008

APPLICATION FOR THE A46 COVENTRY JUNCTIONS (WALSgrave) DEVELOPMENT CONSENT ORDER

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to:
 - the report dated 7 November 2025 of the Examining Authority (“ExA”), Neil Humphrey BSc (Hons) C Eng FICE MTPS and John McEvoy BEng (Hons) C Eng FIHE MIEEnvSc MICE MIEI CMILT, who conducted an Examination into the application made by National Highways (“the Applicant”) for the A46 Coventry Junctions (Walsgrave) Development Consent Order (“the Application”) under section 37 of the Planning Act 2008 as amended (“the 2008 Act”);
 - the responses to the further consultations undertaken by the Secretary of State following the close of the Examination in respect of the Application; and
 - late representations received by the Secretary of State following the close of the Examination.
2. Published alongside this letter on the Planning Inspectorate’s website is a copy of the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State for Transport (“the Report”). All “ER” references are to the specified paragraph in the Report. Paragraph numbers in the Report are quoted in the form “ER XX.XX.XX” as appropriate. References to ‘requirements’ are to those in Schedule 2 to the

Development Consent Order (“the Order”) recommended by the ExA at Appendix C to the Report.

3. This decision was delegated by the Secretary of State to the Minister of State, Lord Hendy of Richmond Hill CBE. While this decision has not been taken by the Secretary of State, by law, it must be issued in the name of the Secretary of State. All references to the Secretary of State are therefore to the Minister of State acting on behalf of the Secretary of State.

THE APPLICATION

4. The Application was accepted for Examination on 12 December 2024 [ER 1.1.1]. The Examination began on 7 May 2025 and was completed on 12 September 2025 [ER 1.5.2]. The Examination was conducted based on written and oral submissions submitted to the ExA and by a series of hearings. The ExA also undertook two ‘access required’ site inspections on private land, and two unaccompanied site inspections [ER 1.5.10].
5. The location of the Application lies within the administrative areas of Coventry City Council (“CCC”) and Rugby Borough Council (“RBC”) [ER 1.3.2]. RBC’s administrative area also forms part of Warwickshire County Council’s (“WCC”) administrative area. Leicestershire County Council is approximately 12.5 km north and east of the Application [ER 1.3.3].
6. The Order as applied for would grant development consent for the realignment of approximately 880 metres of the A46 dual carriageway and for the provision of a new grade separated junction over the A46 located north of the existing Walsgrave roundabout with the existing B4082 being realigned and extending to the new junction. [ER 1.3.5]. The elements comprising the scheme are summarised at ER 1.3.6 and are collectively referred to as “the Proposed Development” within this letter.

CHANGES TO THE APPLICATION

7. During the Examination, the Applicant did not put forward any formal change requests in relation to the Proposed Development [ER 1.5.4 and 1.6.1]. The Applicant did update key Application documents to correct minor errors and respond to issues raised by Interested Parties and the ExA. The Secretary of State is satisfied that the changes to the Application documents and any additional information submitted are contained within the ‘Application Document Tracker’ document which provides a full record of all documentation submitted into the Examination Library [ER 1.6.2]. She has had regard to this information in making her determination on the Application.

SUMMARY OF EXA’S RECOMMENDATION

8. The principal issues considered during the Examination on which the ExA reached conclusions on the case for development consent are set out in the Report under the following broad headings:
 - The Case for the Proposed Development and Consideration of Alternatives;

- Air Quality;
 - Climate;
 - Road Drainage and the Water Environment;
 - Biodiversity;
 - Cultural Heritage;
 - Landscape and Visual Effects;
 - Noise and Vibration;
 - Traffic and Transport;
 - Geology and Soils;
 - Material Assets and Waste;
 - Population and Human Health;
 - Combined and Cumulative Effects;
 - Habitats Regulations Assessment (“HRA”);
 - Land Rights and Related Matters; and
 - Draft Development Consent Order and Related Matters.
9. For the reasons set out in the Report, the ExA recommended that the Secretary of State should make the A46 Coventry Junctions (Walsgrave) Development Consent Order in the form set out in Appendix C to the Report [ER 8.2.1]. The ExA noted that the Secretary of State may wish to satisfy herself in respect of available funding for the scheme [ER 8.1.9] and so her consideration of this is set out in the relevant sections below.

SUMMARY OF SECRETARY OF STATE’S DECISION

10. **The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in this Application.** This letter is the statement of reasons for the Secretary of State’s decision for the purposes of section 116 of the 2008 Act and regulation 31(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”).
11. The Secretary of State has also had regard to the environmental information associated with this Proposed Development as defined in regulation 3(1) of the 2017 Regulations. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

SECRETARY OF STATE’S CONSIDERATIONS

12. The Secretary of State’s consideration of the Report, responses to her consultations of 27 November 2025 and 18 December 2025, representations received after the close of Examination and all other material considerations are set out in the following

paragraphs. Where consultation responses and late representations are not otherwise mentioned in this letter, it is the Secretary of State's view that these representations do not raise any new issues that were not considered by the ExA and do not give rise to an alternative conclusion or decision on the Order.

13. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations as set out in the Report and the reasons given for the Secretary of State's decision are those given by the ExA in support of the conclusions and recommendations.

Preliminary Matters

14. The Secretary of State is content that the Proposed Development is a Nationally Significant Infrastructure Project in accordance with section 14(1)(h) and section 22(1) of the 2008 Act [ER 1.1.2 – 1.1.3]. She is also content that section 104(2) of the 2008 Act has effect, which means that in determining this Application, the Secretary of State must have regard to any relevant National Policy Statements ("NPS"), and Local Impact Report ("LIR") submitted, any matters prescribed in relation to development of the description to which the Application relates, and any other matters the Secretary of State considers to be both important and relevant to the decision [ER 2.2.2 – 2.2.6]. Under section 104(3) of the 2008 Act, the Secretary of State must decide this Application in accordance with any relevant NPS which in this case is the National Networks National Policy Statement ("NNNPS"), which was designated on 24 May 2024.
15. For the avoidance of doubt, the Secretary of State has had regard to and agrees with the ExA's assessment of the relevant legislation and the NPS identified and with the other important and relevant Government policies and strategies identified and taken into account by the ExA within Chapter 2 and Appendix A to the Report. The Secretary of State has also had regard to the LIR prepared by CCC, RBC and WCC [ER 2.5.1].
16. The Secretary of State has considered the environmental information associated with this Proposed Development as defined in regulation 3(1) of the 2017 Regulations. Having considered the Applicant's Environmental Statement ("ES") and further environmental information provided, the Secretary of State considers that this information will be sufficient to enable her to reach the conclusions drawn in this letter in compliance with regulation 26 and all other relevant requirements of the 2017 Regulations and that changes made by the Applicant to the ES documentation do not individually or cumulatively undermine the original scope and assessment of the ES [ER 2.6.5]. As the Scoping Report did not identify any likely significant effects on the environment in a European Economic Area member state [ER 2.8.3], the Secretary of State is further satisfied that transboundary effects do not need to be considered further with regard to the ES.

Agreed Matters

17. The Secretary of State has carefully considered the matters listed immediately below. Based on the ExA's report, its findings, conclusions and all relevant information submitted either as part of the Application or during the Examination or thereafter, she agrees with the ExA's conclusions and recommended weighting for each listed matter.

Her agreement in relation to these matters includes the interpretation and application of the policy tests made by the ExA, particularly in relation to the NNNPS and the National Planning Policy Framework ("NPPF").

- Climate – neutral [ER 5.2.6 – 5.2.8];
- Road drainage and the water environment – neutral [ER 5.2.9 – 5.2.11];
- Landscape and visual effects – moderate negative weight [ER 5.2.18 – 5.2.21];
- Noise and vibration – little negative weight [ER 5.2.22 – 5.2.25];
- Geology and soils – neutral [ER 5.2.29 – 5.2.31];
- Material assets and waste – neutral [ER 5.2.32 – 5.2.36];
- Population and human health – neutral [ER 5.2.37 – 5.2.41]; and
- Combined and cumulative effects – moderate negative weight [ER 5.2.42 – 5.2.43].

18. Therefore, in the planning balance, the Secretary of State has applied the same weight to these matters as the ExA for the same reasons set out in the relevant sections of the Report. This being the case, these matters do not require additional consideration within this letter, and the Secretary of State invites parties to refer to the relevant sections of the Report in relation to these matters.
19. The paragraphs below set out the matters where the Secretary of State has further comments, those matters on which further information has been sought, or those where she either disagrees with the ExA, or wishes to qualify her views.

The Case for the Proposed Development and Consideration of Alternatives

The Case for the Proposed Development

20. The ExA noted that an investigation conducted by the Highways Agency (now National Highways) in 2014 indicated parts of the A46 near Coventry were reported to have had safety performance issues in comparison to the rest of the Strategic Road Network ("SRN") and suffered from traffic congestion and unreliable journey times and that these issues would be exacerbated by the demand created by additional housing development in the area [ER 3.2.4 - 3.2.5]. The Applicant set out the policy context for the Proposed Development and assessed the need for the Proposed Development in its 'Case for the Scheme', with the objectives and primary reasoning summarised by the ExA at ER 3.2.2 – 3.2.3. The Applicant states that the Proposed Development would improve the road safety and traffic congestion around Coventry, in addition to potentially providing the infrastructure and the means of access to unlock the future allocation of housing growth set out in CCC's and RBC's LIR [ER 3.2.7 – 3.2.8]. The Applicant provided further evidence to demonstrate the alignment between the need for the Proposed Development and the NNNPS in the form of Accordance Tables [ER 3.2.14].
21. It is also outlined in the Applicant's 'Case for the Scheme' that the Proposed Development will contribute to the Department for Transport's Road Investment Strategy period 2 ("RIS2") objective of improving network provisions along the Trans-Midlands Trade Corridor between the M5 and the Humber Ports. Although RIS2

formally ended in March 2025, a number of schemes were confirmed in the Interim Settlement paper 'Strategic road network: interim settlement 2025 to 2026'¹ as still being supported for construction, while a decision on schemes for the RIS period 3 is on-going. The Secretary of State notes the funding for the A46 Coventry Junctions Scheme was confirmed in RIS2 and was carried forward as a commitment in the Interim Settlement for 2025 to 2026 published on 24 March 2025. Funding was further confirmed via the Spending Review in 2025. As such, the Secretary of State is satisfied of the Government's commitment to the Proposed Development via RIS2 and the Interim Settlement and consequently that it will be fully funded by Government [ER 6.6.12].

22. Ultimately, the ExA was satisfied that the Proposed Development demonstrated an improvement to traffic conditions in this part of the SRN, which would facilitate economic growth, meeting the need identified at paragraph 3.33 of the NNNPS [ER 3.2.25 and 5.2.1]. As such, the ExA considers that there is a compelling case for the Proposed Development [ER 3.2.17]. Noting that the LIRs of both CCC and WCC agreed that the Proposed Development would improve traffic flows, accessibility, route consistency and support economic growth [ER 3.2.15 - 3.2.16], the Secretary of State agrees with the ExA's conclusion and is satisfied there is a need for the Proposed Development.

Consideration of Alternatives

23. Paragraphs 4.21 - 4.22 of the NNNPS confirm that, in the absence of paragraph 4.20 applying or the presence of exceptional circumstances, the ExA and Secretary of State are not required to consider 'alternatives' for the proposals, as a full options appraisal will have already been undertaken as part of the investment decision making process. The Secretary of State considers that in this case, this formed part of the RIS2 process.
24. It is nonetheless clear that the ExA had due regard to the Applicant's consideration of alternatives, which the Applicant set out in Chapter 3 of the ES and which the ExA outlines at ER 3.2.18 - 3.2.24. The ExA set out that option 4 improvements to both Binley and Walsgrave Junctions would be progressed [ER 3.2.19] but a later decision determined that these were progressed as two separate schemes, with the Binley Junction upgrade being consented by a Highways Act Order [ER 3.2.21]. The ExA noted the process by which the current design option for the Proposed Development (the Walsgrave Junction) was chosen [ER 3.2.23 and ES 3.4.9, Table 3-9]. The ExA reported that no local authority or statutory party disagreed with the Applicant's assessment of alternatives [ER 3.2.24] and it was satisfied that the Applicant had fully considered all alternatives to the Proposed Development [ER 3.2.26]. The Secretary of State agrees.

Secretary of State's overall conclusions on the case for the Proposed Development and consideration of alternatives

25. Having had regard to all evidence and representations on this matter, the ExA considered that the Proposed Development would assist in facilitating economic

¹ [Strategic road network: interim settlement 2025 to 2026 - GOV.UK](#)

growth by improving traffic conditions on this part of the SRN and was satisfied there is a need for the Proposed Development [ER 3.2.25 3.2.26]. The Secretary of State agrees and is content that it will improve road safety, reduce congestion and contribute to economic growth and meet the critical need of improving the SRN, as identified in the NNNPS. Although recognising that the NNNPS does not require the consideration of alternatives, the Secretary of State is satisfied that the Applicant has explored all reasonable alternatives for the Proposed Development [ER 3.2.26]. She is further satisfied that this assessment was carried out in accordance with the NNNPS, the 2017 Regulations and, where important and appropriate, local policies and all other relevant legislation and guidance [ER Appendix A, Table A3].

26. The Secretary of State notes the Proposed Development, in its current design, has the support of local authorities, statutory parties and other relevant stakeholders, specifically CCC and WCC, which recognise that the Proposed Development would benefit economic development in the area [ER 3.2.24 - 3.2.25].
27. The Secretary of State notes the observation made by the ExA at ER 6.6.13 and 8.1.9 that as the Secretary of State is both the funder and arbiter of the Proposed Development, she will need to be satisfied that adequate and secure funding would be available for the Proposed Development. As detailed above, the Secretary of State has confirmed the commitment to the Proposed Development via RIS2 and the Interim Settlement and therefore the commitment to the entirety of the funding for it.
28. Overall, the Secretary of State agrees with the ExA that the case for the Proposed Development should carry very great weight in favour of making the Order [ER 3.2.27] and therefore she ascribes this great positive weight in the planning balance.

Air Quality

29. The Applicant's assessment of air quality effects is primarily set out in Chapter 5 of the ES [ER 3.3.2] with a summary of the conclusions of the assessment provided by the ExA at ER 3.3.3. Having regard to the ExA's Report, the NNNPS and noting that Natural England ("NE") agreed with the Applicant that there would be no significant effect on the Coombe Pool and Heard Way Marsh Site of Special Scientific Interests ("SSSI") in regard to ammonia, oxides of nitrogen and nitrogen deposition [ER 3.3.14 - 3.3.16], the Secretary of State agrees with the ExA's conclusions in respect of the SSSI's and also that the effects of construction dust would be mitigated [ER 3.3.17 - 3.3.19 and 3.3.22]. She has further considered the issues of Defra's Interim Planning Guidance relating to PM_{2.5} and the potential impact on CCC's Air Quality Management Area below.

Interim Planning Guidance relating to PM_{2.5}

30. The ExA noted that Defra's "Interim Planning Guidance on the consideration of the Environment Act PM_{2.5} targets in planning decisions"² ("IPG") was published on 4 October 2025, prior to submission of the application for the Proposed Development

² [PM_{2.5} Targets: Interim Planning Guidance - DEFRA UK Air - GOV.UK](#)

[ER 3.3.6]. As the IPG applies to all projects at the pre-application stage, as of its publication date, the ExA asked the Applicant for its understanding of the implications of the IPG on the Proposed Development [ER 3.3.7 and PD-005]. The Applicant's response, detailed at ER 3.3.8 - 3.3.11, confirmed that applying the IPG would result in no material changes to the assessment outcomes. In light of this and noting that no Interested Parties disagreed with the Applicant's findings [ER 3.3.12], the ExA considered that the IPG does not alter the Applicant's assessment of air quality impacts presented in the ES [ER 3.3.13].

31. The Secretary of State is aware that the IPG encourages the consideration of the cumulative impacts of developments. Therefore, in her consultation letter of 27 November 2025, the Secretary of State requested that the Applicant provide further information on the implications of the IPG for the cumulative impacts of the Proposed Development with other existing and proposed developments.
32. The Applicant responded on 11 December 2025, stating that the operational air quality assessment produced in the ES already considered the potential for cumulative air quality impacts. The Applicant confirmed that the conclusion made in response to the ExA's questioning during Examination, that all operational impacts from the Proposed Development on PM_{2.5} would be negligible and not significant [ER 3.3.10 and PD1-016], would also apply to the consideration of cumulative impacts. The Applicant also confirmed that its conclusion of no material impact on PM_{2.5} levels and no material change to population exposure during construction [PD1-016], would also remain unchanged in the context of cumulative impacts. The Applicant stated that there is no potential for cumulative effects during construction given no other construction sites were due to be active within the vicinity of the Proposed Development at the expected time of its construction phase.
33. The Secretary of State notes that no representations were received to dispute this in response to her second consultation of 18 December 2025 requesting comments on the Applicant's consideration of the implications of the IPG for cumulative impacts.
34. The Secretary of State is therefore satisfied that the Applicant has considered the implications of Defra's IPG in relation to PM_{2.5}, including the cumulative impacts of the Proposed Development. Further, she has no reason to disagree with the ExA that the publication of the IPG does not alter the Applicant's assessment of air quality impacts presented in the ES [ER 3.3.13].

Coventry City Council's Air Quality Management Area ("AQMA")

35. The ExA noted that the Proposed Development is located immediately adjacent to CCC's AQMA, which was designated due to high levels of NO₂ [ER 3.3.5]. CCC's LIR (paragraph 11.2) also noted that whilst levels of PM₁₀ in Coventry do not breach Air Quality objectives, it is acknowledged that fine particulate matter levels have a significant impact on health across the city.
36. The Secretary of State has had regard to paragraph 5.18 of the NNNPS which requires that where a project is located within, or in close proximity to, an AQMA, Applicants should engage with the relevant local authority to ensure the project is compatible with the Local Air Quality Action Plan. The Secretary of State acknowledges that although

the ExA has not expressly provided a view on the compatibility with CCC's Local Air Quality Action Plan, she recognises that the Applicant's engagement with CCC and absence of recorded concerns in CCC's Statement of Common Ground provide sufficient assurance [ER 3.3.20 and REP6-019]. In addition, CCC's LIR states that by the start of operation, air quality objectives for NO₂ and PM₁₀ are not predicted to be exceeded meaning there will be no likely significant air quality effect for human health. The LIR goes on to conclude that the Proposed Development would reduce the number of users driving through Coventry which itself would improve air quality for the city [REP1-036, paragraphs 11.3 - 11.4].

37. The Secretary of State considers that the Applicant's engagement with CCC and the resultant comments made by CCC, including in its LIR, are sufficient to determine an implicit confirmation that the Proposed Development is compatible with CCC's Local Air Quality Action Plan. She is therefore also satisfied the Applicant has engaged with CCC to ensure the Proposed Development is compatible and that it will not cause the area to become non-complaint, in accordance with paragraphs 5.18 and 5.25 of the NNNPS. She is therefore satisfied that the Proposed Development has had regard to the requirements of the NNNPS in respect of the AQMA.

Secretary of State's overall conclusions on Air Quality

38. The Secretary of State agrees with the ExA that the Applicant's air quality assessment has adhered to the requirements set out in paragraphs 5.12 – 5.14 of the NNNPS [ER 3.3.21]. She is also satisfied that there has been no evidence put forward that the Proposed Development would not be compatible with CCC's Local Air Quality Action Plan and so considers this to accord with paragraph 5.18 of the NNNPS.
39. The Secretary of State also agrees with the ExA's conclusion that there will be no significant effects in terms of air quality on human and ecological receptors as a result of the Proposed Development [ER 3.3.21]. As set out above, she is satisfied that this conclusion considers the implications of Defra's IPG in relation to PM_{2.5}, including the cumulative impacts of the Proposed Development.
40. As outlined above, the Secretary of State has agreed with the ExA's considerations of air quality impacts on the Coombe Pool and Heard Way Marsh SSSIs and the effects of construction dust. She has particularly noted that air quality effects relating to dust during construction would have a temporary negative impact but be mitigated through the Second Iteration of the Environmental Management Plan ("EMP") and that its production and implementation would be secured by requirement 4 of the Order [ER 3.3.22 and REP6-010].
41. In conclusion, the Secretary of State agrees with the ExA that matters of air quality should be considered neutral in the planning balance.

Biodiversity

42. The Applicant's assessment of the effects of the Proposed Development on biodiversity is set out in Chapter 8 of the ESS together with the supporting documents listed at ER 3.6.4. The Secretary of State notes that the final signed Statements of

Common Ground between the Applicant and the Environment Agency, WCC and CCC confirmed agreement on all matters relating to biodiversity [ER 3.6.17 - 3.6.19]. The NNNPS establishes the applicable national policy position with which the Proposed Development should comply. The requirements of the NNNPS regarding assessment and mitigation of impacts on biodiversity are contained at paragraphs 4.23 to 4.26 and 5.44 to 5.69 [ER 3.6.38 and ES 8.3.2 - 8.3.3, Table 8.2].

43. The Secretary of State notes the main issues arising during the Examination were in relation to comments made by NE including:
- Biodiversity Net Gain (“BNG”);
 - Noise impacts on the Coombe Poole SSSI; and
 - Consent from NE to carry out operations in Coombe Pool SSSI.

Biodiversity net gain

44. The Environment Act 2021 introduces a mandatory BNG requirement for NSIPs, although the Secretary of State acknowledges this provision is not currently in force and she notes the Government’s proposal to introduce BNG for NSIPs in 2026. Paragraph 4.26 of the NNNPS confirms that the concepts and policy requirements in relation to BNG for NSIPs will be set out in a Government Biodiversity Net Gain Statement. Nonetheless, the Applicant submitted a BNG Report and expressed confidence that a 10% BNG would be achieved by the Proposed Development [ER 3.6.13], assessed in terms of area-based habitats and linear-hedgerow habitats [ER 3.6.16]. The Secretary of State notes NE’s acceptance of the BNG metric used and that BNG is not mandatory for the Proposed Development [ER 3.6.15].
45. The ExA concluded that the Applicant has considered the potential for the Proposed Development to deliver BNG as part of the design development and assessment process and was satisfied that a significant biodiversity enhancement could be secured locally [ER 3.6.41 - 3.6.42]. Furthermore, the ExA noted that key measures to mitigate and compensate any effects of the Proposed Development on habitats and the species they support were contained in the Outline Landscape and Ecology Management Plan (Appendix B.4 of the First Iteration of the EMP) and the Register of Environmental Actions and Commitments (“REAC”) (Appendix A of the First Iteration of the EMP) which outlined actions and commitments to protect, create and enhance biodiversity habitats [ER 3.6.6].
46. The Secretary of State notes that BNG was not one of the areas of disagreement between NE and the Applicant at the end of the Examination; only those listed by the ExA at ER 3.6.20. The Secretary of State is satisfied that BNG is not mandatory for this Application and welcomes the Applicant’s proactive approach to considering BNG through its design process. While the Secretary of State notes NE’s suggestion that the Order could include a requirement to demonstrate how at least ten percent in biodiversity gain is to be delivered, this is not mandatory and so she agrees with the Applicant that such a requirement would not be appropriate as there is no basis for it in legislation [ER 3.6.16].

Noise impacts on the Coombe Pool SSSI

47. The Secretary of State notes the concern raised by NE on the potential impacts on the Coombe Pool SSSI from both noise during construction and operation, and mitigation options which are detailed at ER 3.6.22 – 3.6.29. She understands that NE considers there to be insufficient information to prove that impacts from construction noise would not be significant, once the provision of a temporary noise barrier during construction has been accounted for [ER 3.6.28 and REP6-027]. The assessment of significance of construction noise impacts on the SSSI remained a matter of disagreement between the Applicant and NE in their final Statement of Common Ground [ER 3.6.29 and REP6-021].
48. The Secretary of State notes that NE suggested additional mitigation measures to ameliorate the construction noise impact, which comprised:
 - Reducing any existing disturbance in other areas of the SSSI; and
 - Creating a refuge zone with no access (if practicable) so that overall levels of disturbance at the site would be reduced [ER 3.6.28].
49. The Applicant did not provide comment on these additional measures [ER 3.6.29] and therefore, in her consultation letter of 27 November 2025, the Secretary of State invited the Applicant to share its views on the appropriateness and feasibility of the additional measures suggested by NE.
50. In its response of December 2025, the Applicant stated that the proposed mitigation measures contained within the REAC (compliance with which is secured by requirement 4 of the Order), for the provision of a temporary noise barrier is sufficient to reduce the construction noise impacts, with monthly Ornithological Specialist monitoring, through the inclusion of an Ornithological method statement to record its effectiveness. When this mitigation is considered, the result is a slight adverse (not significant) effect as detailed in Table 8-24 of the ES [REP3-012]. The Applicant also responded that it would not be practicable to create a refuge zone in another area of the SSSI as this would require land outside of the Order limits and would likely lead to new environmental effects and disturbance in the SSSI, which has not been assessed in the ES. The Applicant concluded that it had demonstrated no likely significant effects on the SSSI and has provided effective and proportionate mitigation in accordance with the mitigation hierarchy outlined in the Design Manual for Roads and Bridges LA104 and in accordance with the Chartered Institute of Ecology and Environmental Management guidance.
51. In a further consultation letter of 18 December 2025, the Secretary of State, noting the Applicant's response on the appropriateness and feasibility of the specific measures suggested by NE, invited NE to confirm whether it agrees with the Applicant that its proposed measures are acceptable or to set out what further measures it considered necessary. The Secretary of State notes NE's response of 8 January 2026 confirming it now considered the Applicant's proposed measures acceptable.
52. Paragraph 5.57 of the NNNPS requires the Secretary of State to take account of the advice provided by NE to an applicant in regard to any necessary mitigation measures. Having considered the additional information provided by the Applicant and the response of NE, the Secretary of State considers that the mitigation measures

proposed by the Applicant are proportionate to the level of effect assessed as the provision of a temporary noise barrier is appropriate to reduce noise disturbance within the SSSI. She is further satisfied that the undertaking of Ornithological Noise Monitoring and supervision by Ecological Clerk of Works will ensure that the mitigation continues to be effective or that further measures are considered should the noise barrier alone prove ineffective. The Secretary of State is also satisfied by the Applicant's explanation that the proposed refuge zone would not be practicable.

53. The ExA was content, in light of the representations made, the discussions held during the Examination and the amendments made by the Applicant to the ES, there was sufficient demonstration that the potential impacts of noise within the Coombe Pool SSSI during the construction and operational phases were properly considered during the Examination, and that no significant effects were identified [ER 3.6.31]. The Secretary of State agrees. She also agrees with the ExA that the Applicant's proposed monitoring and reporting procedures to determine the effectiveness of the construction noise mitigation barrier would respond appropriately to any observed disturbances to water birds in the SSSI [ER 3.6.30].

Consent from NE to carry out operations in Coombe Pool SSSI

54. The ExA highlights that the Scheme Design Report notes that some works would take place within Coombe Poole SSSI, including repairing the boundary fence and related vegetation removal [ER 3.6.33 and REP6-021]. NE has stated that they require further information to show that the proposed works would not affect the notified features of the SSSI before confirming whether further consent would be required for the activities on the SSSI, should the Order be approved [ER 3.6.34]. The Applicant has asserted that sections 28E and 28H of the Wildlife and Countryside Act ("WCA"), which require consent from NE for works in a SSSI, should be disapplied by virtue of section 28P of the WCA where planning permission represents a reasonable excuse for the works [ER 3.6.35 and 7.4.2]. This remained an item of disagreement between the Applicant and NE at the end of the Examination [ER 3.6.20].
55. The ExA concluded that whilst the works would represent a relatively minor intrusion into the SSSI, it did not agree that the Applicant can rely on section 28P of the WCA to not engage with NE in advance of works in the SSSI, as this section is specific to planning permission granted under Part III of the Town and Country Planning Act 1990 and not to an order granting development consent [ER 7.4.3]. The Secretary of State concurs with the ExA's conclusion on this matter and agrees with the ExA's recommendation to remove article 52(1)(c) in the draft Order in relation to disapplying sections 28E and 28H of the WCA.

Secretary of State's overall conclusions on biodiversity

56. The Secretary of State is satisfied that the assessment undertaken by the Applicant in Chapter 8 of the ES was proportionate and reasonable and describes the likely significant effects on biodiversity receptors as required by the 2017 Regulations [ER 3.6.38]. The Secretary of State agrees with the ExA's assessment that the Proposed Development is in accordance with the NNNPS and, where important and relevant, local policies and strategies and all other legislation [ER 3.6.39].

57. For the reasons set out above and given by the ExA in its Report, the Secretary of State agrees with the conclusions reached in respect of BNG, including that a significant biodiversity enhancement could be secured locally [ER 3.6.42]. She welcomes the Applicant's proactive approach to considering BNG through its design development and assessment processes despite BNG not being mandatory for NSIPs.
58. As required by paragraph 5.57 of the NNNPS, the Secretary of State has taken account of the advice provided to the Applicant by NE with regard to mitigation measures. She has concluded that the Applicant's proposed monitoring and reporting procedures assessing effectiveness of the construction noise mitigation barrier are proportionate. Additionally, she is satisfied by the Applicant's justification that NE's suggested refuge zone proposed is not practicable as it would require land falling outside the Order limits and would likely result in additional environmental effects and disturbance within the SSSI which has not been previously assessed as part of the ES.
59. The Secretary of State also concludes that the Applicant must still secure NE's consent for operations in Coombe Poole SSSI. She agrees with the ExA that section 28P of the WCA cannot circumvent engagement with NE as it is specific to planning permission granted under Part III of the Town and Country Planning Act 1990 [ER 7.4.3].
60. The Secretary of State recognises the potential for slight adverse effects on designated sites of national and local importance and on several protected and notable species during the construction activities and operation of the Proposed Development [ER 3.6.43] and has balanced this with the long-term biodiversity enhancements. She agrees with the ExA that the adverse effects of the Proposed Development on biodiversity carry little weight against the Order being made [ER 3.6.44].

Cultural Heritage

61. The Applicant's assessment of the effects of the Proposed Development on cultural heritage is at Chapter 6 of the ES, together with the supporting documents listed at ER 3.7.3. The Secretary of State notes there are 29 designated heritage assets (including 2 scheduled monuments) and 155 non-designated heritage assets (including 2 findspots and 138 historical structures and archaeological sites) considered to be within the study area [REP4-048, section 6.8]. The Applicant's assessment identified that before mitigation there were 6 designated heritage assets and 7 non-designated heritage assets which may experience impacts from the Proposed Development [APP-066, Table 5]. Following consideration of mitigation this reduced to only two designated heritage assets that would experience slight adverse (not significant) effects which would not be fully addressed by the Applicant's proposed mitigation measures. These were Coombe Abbey Park, a Grade II listed registered park and gardens ("RPG") and Hungerley Hall Farm, a Grade II listed farm and outbuildings [ER 3.7.5 and REP4-006, sections 6.10 and 6.11]. The ExA highlighted these assets for further consideration during Examination [ER 3.7.6].

Coombe Abbey Park RPG

62. The Secretary of State concurs with the ExA's conclusions in respect of the effect of the Proposed Development on the setting of Coombe Abbey Park RPG, noting that the Statement of Common Ground between the Applicant and Historic England confirms that the matter is agreed [ER 3.7.15 and REP5-15, reference 3]. Like the ExA, the Secretary of State is satisfied that the landscaping commitment (LV1) within the Applicant's amended REAC demonstrates consideration of the points raised by Historic England [ER 3.7.15] to reduce any effects on the setting of the RPG. She therefore agrees with the ExA that any harm to the setting would therefore be slight adverse (not significant) [ER 3.7.16] and less than substantial [ER 3.7.19] and is content that this accords with paragraphs 5.166 and 5.169 of the NNNPS in terms of mitigation for adverse landscape effects. However, the Secretary of State notes that the REAC does not provide for the final landscaping mitigation measures to be undertaken in consultation with Historic England and she considers that appropriate and effective mitigation in relation to the RPG can only be achieved through consultation with the relevant heritage bodies. As such, and following Historic England's response to her letter of 18 December 2025, the Secretary of State has amended requirement 4 within the Order to reflect that, insofar as it affects the setting of Coombe Abbey Park RPG, Historic England will be consulted on final landscaping proposals and final mitigation measures. This is detailed further in the 'Draft Development Consent Order and Related Matters' section of this letter.

Hungerley Hall Farm

63. In respect of Hungerley Hall Farm, the Secretary of State notes the conclusion in the ES that there would be two impacts on this asset resulting in a large adverse (significant) effect, prior to any mitigation, due to the provision of the new B4082 link road. This would affect the setting of Hungerley Hall Farm by reducing the buffer of open ground and the appreciation of the asset within the wider rural landscape [REP4-006, paragraph 6.11.6] but additionally would involve the demolition of the majority of the eastern part of the listed farmyard wall [paragraphs 6.9.9 and 6.11.4]. As the wall is a key element in the ability to understand or appreciate the function of and relationships between the buildings in the farm group, its loss would mean that this understanding would be greatly lessened [paragraph 6.9.9].
64. To mitigate the impact on the farmyard wall, the Applicant proposes to 'preserve by recording' in the form of a level 3 standard Historic Building Record [ER 3.7.10 and REP4-006, paragraph 6.10.13]. In terms of the impact on the setting of Hungerley Hall Farm, the Applicant proposes mitigation in the form of landscaping, to preserve as much rural character as feasible [ER 3.7.11 and ES 6.10.14]. The Applicant secures these mitigation measures in the REAC and via requirements 4 and 6 of the Order. CC confirmed that it had no objections to the Proposed Development [ER 3.7.9] and agreed with the Applicant that with the mitigation proposed there would be a slight adverse (not significant) effect on the farm wall and setting of the Hungerley Hall Farm [ER 3.7.13]. The ExA found no evidence to disagree with this conclusion [ER 3.7.13] and considered that it complies with the approach set out in paragraphs 5.212 to 5.215 of the NNNPS and the requirements set out in the Infrastructure Planning (Decisions) Regulations 2010 [ER 3.7.17].

65. The ExA concluded that, with the secured mitigation, there would be a slight adverse (not significant) effect on the farmyard wall and the setting of Hungerley Hall Farm, equating to a minor level of less than substantial harm [ER 3.7.19]. In the overall planning balance, similar to CCC, the ExA found this harm to be outweighed by the positive benefits of the Proposed Development and was therefore satisfied that there is clear and convincing justification for the less than substantial harm to this designated heritage asset [ER 5.3.5].
66. Paragraph 5.212 of the NNNPS states a documentary record of the past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence should not be a factor in deciding whether consent should be granted. Given the position of the NNNPS, the Secretary of State was not persuaded by the lack of justification given by the ExA at ER 3.7.17 as to why the Applicant's mitigation of preserving by record was compliant. She therefore requested that the ExA clarified its reasoning in this respect. In its response of 25 November 2025, the ExA advised that its judgement was made with the understanding that the loss of part of the farm wall was necessary as a result of the design of the scheme and that the retention of the asset in its entirety would not be possible, so it went on to consider the requirements of paragraph 5.213 of the NNNPS in terms of the partial loss of the heritage asset. The Secretary of State accepts that the ExA was cognisant that a documentary record is not as valuable as the asset's retention, but it considered the loss of the asset to be unavoidable. It is clear the ExA considered the harm to weigh negatively and, as stated above, it went on to consider this against the public benefits of the proposal in the final planning balance before concluding there was clear and convincing justification for the harm [ER 5.3.5]. The Secretary of State is therefore satisfied the ExA had regard to the policy requirements, and following receipt of the additional clarification of its reasoning, she agrees with the ExA that the approach meets the requirements of the NNNPS.

Secretary of State's overall conclusions on cultural heritage

67. In taking her decision, the Secretary of State has, like the ExA, had regard to the guidance in relation to consideration of impacted heritage assets set out in the NNNPS; all other important and relevant considerations; and to her duties under regulation 3(1) of the Infrastructure Planning (Decisions) Regulations 2010 for the need to have regard to the desirability of:
- preserving any affected listed building or its setting or any features of special architectural or historic interest which it possesses;
 - preserving or enhancing the character or appearance of any affected conservation area; and
 - preserving any affected scheduled monument or its setting.
68. The Secretary of State is satisfied that the assessment undertaken by the Applicant was proportionate and reasonable and describes the significance of each heritage asset. She additionally notes that at the close of Examination, there was no outstanding disagreement with the Applicant's scope of assessment. The Secretary of State agrees with the ExA that the Applicant's assessment complies specifically with paragraphs 5.210 and 5.211 of the NNNPS [ER 3.7.17] and further notes a wider

accordance of the Proposed Development with the rest of the NNNPS and, where important and relevant, local policies and strategies and all other legislation.

69. For the reasons given above and provided in the ExA's Report, the Secretary of State agrees with the conclusions reached in respect of Coombe Abbey Park RPG that once the proposed mitigation measures are taken into account, any harm to the setting of the RPG is considered to be slight adverse (not significant) [ER 3.7.16].
70. The ExA's conclusions in respect of the mitigation for Hungerley Hall Farm did not clearly express its considerations on the role of recording as a mitigation measure. However, upon seeking clarification from it, the Secretary of State accepts that the ExA's approach aligns with paragraph 5.213 of the NNNPS. The Secretary of State acknowledges that no other form of mitigation is feasible, given the footprint of the Proposed Development, for which alternatives were considered within 'The Case for the Proposed Development and Consideration of Alternatives' section of this letter. The Secretary of State agrees with the ExA that this results in a slight adverse (not significant) effect on the designated heritage asset [ER 3.7.13].
71. The Secretary of State agrees with the ExA that the slight adverse effects to the designated heritage assets described above, amounts to a minor level of less than substantial harm and that this harm should be afforded negative weight against the Order being made [ER 3.7.19]. The Secretary of State places great weight on the conservation of assets and given this harm, she ascribes a little negative weight to matters of cultural heritage.
72. In accordance with paragraph 5.222 of the NNNPS, where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As detailed in the Planning Balance section of this letter, the Secretary of State agrees with the ExA's overall conclusion set out in ER 5.3.5 that the substantial positive benefits that are expected as a result of the Proposed Development would outweigh the less than substantial harm to the significance of the heritage assets, and any loss of significance to those assets would therefore be justified.

Traffic and Transport

73. The Applicant's assessment in relation to traffic and transport is primarily set out in its Transport Assessment ("TA"), supported by the outline Traffic Management Plan [ER 3.10.2]. A summary of the objectives and the methodology used within the TA is provided by the ExA at ER 3.10.3 – 3.10.7. After considering the Applicant's submissions and the representations received, the ExA highlighted the following issues for consideration in the Examination:
 - traffic modelling and the consequential impact on the local road network;
 - impact on active travel;
 - local access issues;
 - road safety; and
 - construction traffic issues [ER 3.10.12].

74. The Secretary of State agrees with the ExA's conclusions on the matters of traffic modelling, local access issues and construction traffic issues. She has further considered the issues of the impact on active travel and road safety, below.

Impact on active travel

75. The Proposed Development seeks to improve active travel by providing a new pedestrian crossing over the B4082, east of the Clifford Bridge Road roundabout [ER 3.10.20]. This aims to improve the north-south movement of pedestrians and their safety when crossing, as the TA particularly identified this area as being used by children at school hours [APP-134, paragraphs 8.1.2 and 8.1.8].
76. In addition, the Secretary of State notes that the TA confirms that the Proposed Development incorporates enabling works for future active travel provision, such as the retention of the Hungerley Hall Farm accommodation bridge and sufficiently wide verges along the new section of the B4082 to support a future shared-use route [APP-134, paragraphs 8.1.4]. The ExA reports that this links to future plans outlined in CCC's LIR for it to improve accessibility and active travel routes to Coombe Abbey Park [ER 3.10.21 - 3.10.22], which is also detailed in the ES at 12.10.11 - 12.10.12. WCC also acknowledged that the Proposed Development would allow for improved pedestrian and cycle infrastructure in the future [ER 3.10.24] and RBC accepted that retained access to the Hungerley Hall Farm accommodation bridge would enable delivery of new active travel routes or improvements that it would like to see [ER 3.10.25 - 3.10.27].
77. The ExA found that the new signalised pedestrian crossing of the B4082, as secured by Schedule 1 of the Order, was compliant with paragraph 5.273 of the NNNPS which requires improving local connectivity and accessibility in developing infrastructure [ER 3.10.28]. The ExA was also satisfied that the Applicant had acted in accordance with paragraph 5.273 in respect of supporting future development by ensuring the Proposed Development layout facilitates the local authorities' plans for active travel routes at a later date [ER 3.10.29].
78. The Secretary of State acknowledges the improved accessibility and the safety benefits brought about by the new pedestrian crossing and she also welcomes the Applicant's consultation with local authorities and with walking, cycling and horse-riding groups on future active travel improvements, as set out in Chapter 4.4 of the 'Case for the Scheme'. While the Secretary of State recognises that the Proposed Development will support plans for future active travel schemes to be delivered, she is mindful that there is currently no commitment to deliver any further active travel improvements, as part of the Proposed Development [ER 3.10.23 - 3.10.27]. Accordingly, whilst observing these aspirations as positive, the absence of enforceable measures limits the weight that can be afforded to active travel benefits in the planning balance.
79. Paragraph 5.287 of the NNNPS states that consideration should be given as to whether an applicant has maximised opportunities to allow for journeys associated with the development to be undertaken via sustainable modes. While the Secretary of State is of the view that there have been no specific active travel improvements or initiatives brought about by the Proposed Development, she recognises the Applicant

has sought to provide support for journeys by sustainable modes via the new pedestrian crossing. Additionally, the Secretary of State agrees with the ExA that the Applicant has taken into account the requirements of the NNNPS in supporting emerging local plans [ER 3.10.29] and she is satisfied that the Proposed Development would support future active travel initiatives.

Road safety

80. Paragraphs 3.18 - 3.19 of the NNNPS identify road safety as an important priority for the government. The Secretary of State notes that in accordance with paragraph 4.58 of the NNNPS, an assessment of road safety has been undertaken for the Proposed Development alongside a Stage 1 Road Safety Audit of the preliminary designs [ER 3.10.36].
81. The Applicant's assessment predicts a reduction in accidents on the local road network ("LRN"), a reduction in accidents across the combined strategic road network ("SRN") and LRN, but an increase in Killed or Seriously Injured ("KSI") casualties on the SRN [ER 3.10.37 and APP-134, section 7.3]. The Applicant explained that this increase in KSI is due to traffic being diverted from the LRN to the SRN, which has a higher predicted accident rate because of the higher volumes of traffic moving at faster speeds [ER 3.10.37]. The Applicant also highlighted that both the Binley and Walsgrave Junctions were originally conceived as one scheme and, when considered together, there is predicted to be a reduction in the number of accidents and KSI on both the SRN and LRN [ER 3.10.38].
82. The ExA was satisfied with the Applicant's assessment of road safety and that road accidents would be predicted to reduce on the LRN and SRN when the Binley and Walsgrave junctions are considered together [ER 3.10.39]. The ExA therefore concluded that the Proposed Development is compliant with paragraphs 4.57 – 4.61 of the NNNPS [ER 3.10.39].
83. The Secretary of State has had regard to paragraph 4.61 of the NNNPS which states that development consent should not be granted unless the Secretary of State is satisfied that all reasonable steps have been taken to minimise the risk of road casualties arising from the scheme and to contribute to the improvement in the safety of the SRN. The Secretary of State recognises that the Proposed Development in isolation leads to a minimal predicted increase in KSI on the SRN [ER 3.10.37 and APP-134, section 7.3]. However, she also understands that the accident data used to inform this conclusion did not consider the impact of the Binley Junction scheme, which was opened to traffic in November 2022 and formed part of a phased approach to delivery alongside the Proposed Development [ER 3.2.18 – 3.2.21 and APP-134, paragraph 7.2.4]. The Secretary of State is satisfied that, when considering the Proposed Development in conjunction with the Binley Junction scheme, there is predicted to be an overall decrease in the total number of accidents and KSI for both the SRN and local roads [APP-134, paragraph 7.3.12].
84. In light of this, the Secretary of State agrees with the ExA that the Proposed Development is compliant with paragraphs 4.57 – 4.61 of the NNNPS and is satisfied, given the findings of the road safety assessment, that all reasonable steps have been taken to minimise the risk of road casualties and contribute to improvements in the

safety of the SRN. As required by paragraph 4.59 of the NNNPS, the Secretary of State also notes that the Applicant has demonstrated that the Proposed Development is consistent with the National Highways Safety Framework [APP-134, paragraphs 7.3.7 - 7.3.8].

Secretary of State's overall conclusions on traffic and transport

85. The Secretary of State agrees with the ExA that the Applicant's assessment and modelling of the traffic effects from the Proposed Development is robust and was undertaken in accordance with the requirements of the NNNPS [ER 3.10.19 and 3.10.44]. Together with the ExA, the Secretary of State is satisfied that the Applicant's assessment has taken into account impacts on the local road network including access to important amenities such as the hospital [ER 3.10.31 - 3.10.35] and that the outline Traffic Management Plan, as secured by article 50 and requirement 11 of the Order, would ensure that any impacts during the construction phase of the Proposed Development are managed and minimised as far as possible [ER 3.10.41 - 3.10.43].
86. As detailed above, the Secretary of State is satisfied that the Applicant has taken reasonable steps to minimise the risk of road casualties arising from the Proposed Development. When the impacts from Binley Junction are considered within the assessment of the Proposed Development at Walsgrave Junction, the result is an overall improvement/reduction in KSI. She therefore agrees with the ExA that this complies with the NNNPS objective to improve the safety of the SRN [ER 3.10.39].
87. In respect of active travel, the Secretary of State agrees with the ExA that the Applicant has taken into account the requirements of the NNNPS including paragraph 4.404 in supporting emerging local plans [ER 3.10.29]. The Secretary of State notes that the applicant has sought to facilitate active travel where possible, having regard for local authorities' plans. While no specific initiatives to increase or maximise active travel opportunities were put forward as part of the Proposed Development, the Secretary of State considers that such measures would have strengthened the case for the scheme and could have attracted very great positive weight.
88. Overall, the Secretary of State agrees with the ExA's conclusion that the Proposed Development produces substantial benefit by likely encouraging housing and economic growth in the local and wider area, reducing traffic flow and improving journey times [ER 3.10.18]. Given this and having considered all relevant factors, the Secretary of State agrees with the ExA's recommendation to give great positive weight to traffic and transport matters [ER 3.10.46].

Habitats Regulations Assessment ("HRA")

89. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 ("the Habitats Regulations"), the Secretary of State as the competent authority is required to consider whether the Proposed Development (which is a project for the purposes of the Habitats Regulations) would be likely, either alone or in combination with other plans and projects, to have a likely significant effect ("LSE") on a European site forming part of the National Site Network. The purpose of

the LSE test is to identify the need for an Appropriate Assessment ('AA') and the activities, sites or plans and projects to be included for further consideration in the AA.

90. The Secretary of State has considered the application in line with her duty under the Habitats Regulations. The Secretary of State agrees with the ExA that the Proposed Development is not directly connected to or necessary for the conservation management of a European Site [ER 4.4.2].
91. The Proposed Development was identified by the Applicant as not giving rise to the potential for LSE. The Applicant submitted a Habitats Regulations Assessment Report ("HRA Report") identifying No Significant Effects [ER 2.7.2 and ER 4.2.2] as part of its Application. The Secretary of State notes that NE, in its representations of 27 February 2025 [RR-010] and 22 May 2025 [REP1-035], and its signed Statement of Common Ground, agreed with the Applicant's scope and conclusions with regard to the European sites assessed and their qualifying features [ER 4.2.4]. The ExA recorded that no other party submitted any evidence or comments against this and therefore a Report on the Implications for European Sites compiling HRA-relevant information would not be required [ER 4.2.5].
92. The Secretary of State notes that the Applicant screened in two sites in the assessment of LSE that were within 30km of the Proposed Development [ER4.3.2] and that NE agreed that these sites were relevant to the Application [RR-010, REP1-035, and REP6-021]. These sites are:
 - Ensor's Pool Special Area of Conservation ("SAC")
 - River Mease SAC
93. The Applicant concluded that there was no potential for LSE alone or in combination with other plans or projects given that there were no relevant pathways for effects on the qualifying features on any of the European sites [ER 4.3.5 - 4.3.6 and APP-087 section 3.4 and 4 and Tables 4-1 and 4-2]. The Secretary of State notes that during the Examination, following a question raised by the ExA in relation to the River Mease SAC and at the request of NE, the HRA Report was updated [ER 4.3.8]. The HRA Report text related to the qualifying features of the River Mease SAC and, while NE confirmed it was in agreement with the overall conclusions, it recommended that the HRA Report be updated to include one Annex I habitat and two Annex II species. This amendment did not alter the conclusions of the HRA Report. NE confirmed they agreed with the conclusions of this updated HRA Report [REP6-021]. Agreement with the HRA Report conclusions was also provided by WCC [ER 4.3.7 and REP3-050].
94. The Secretary of State has taken note of the conclusion of the ExA that the Proposed Development is not likely to have a LSE on the qualifying features of the Ensor's Pool SAC and the River Mease SAC or any other European site, alone or in combination with other plans and projects [ER 4.4.1]. The ExA was satisfied that the correct European sites and qualifying features had been identified for the purposes of assessment and that all potential impacts which could give rise to significant effects had been identified [ER 4.4.3]. The ExA was also satisfied, on the basis of the information provided, that the correct impact-effect pathways for each site had been assessed [ER 4.4.4]. The Secretary of State has noted the ExA's subsequent amendments to ER 5.2.48 and 5.3.6, stating that there is sufficient information before the Secretary of State to enable her to determine whether an AA is required, to

additionally reflect that the ExA is of the view that an AA is not necessary. The Secretary of State agrees and is of the view that an AA is not required for this Application.

Planning Balance

95. The ExA's overall recommended weighting on the matters examined are as follows:
- The Principle of the Development (need) and consideration of alternatives – very great positive weight on the basis of the contribution the Proposed Development would make to improving the SRN and therefore economic growth, as set out in paragraph 3.33 of the NNNPS [ER 5.2.3];
 - Air Quality – neutral weight [ER 5.2.5];
 - Climate – the effect of greenhouse gas emissions are given neutral weight [ER 5.2.8];
 - Road Drainage and the Water Environment - neutral weight [ER 5.2.11];
 - Biodiversity – little negative weight due to slight adverse construction and operational effects on several protected and notable species and on designated sites of national and local importance whilst recognising the Applicant's contribution to Biodiversity Net Gain [ER 5.2.13 - 5.2.14];
 - Cultural Heritage – little negative weight on the basis of the less than significant harm caused to 2 designated heritage assets [ER 5.2.17];
 - Landscape and Visual effects – moderate negative weight due to the significant adverse landscape and visual effects resulting from construction activities, which cannot be completely reversed by the proposed landscaping mitigation during the operational phase [ER 5.2.19 - 5.2.21];
 - Noise and Vibration – little negative weight on the basis that the significant residual noise disturbance caused by construction of the Proposed Development is anticipated to result in adverse health outcomes during this phase. However, overall health outcomes related to noise pollution during operational phase were assessed as neutral [ER 5.2.22 - 5.2.25];
 - Traffic and Transport – great positive weight due to the potential benefits in the form of transport improvements for the SRN, the Local Road Network and the ability to provide for future improvements to the active travel network [ER 5.2.27 - 5.2.28];
 - Geology and Soils - neutral weight [ER 5.2.31];
 - Material Assets and Waste - neutral weight [ER 5.2.36];
 - Population and Human Health - neutral weight [ER 5.2.41]; and
 - Combined and Cumulative Effects – moderate negative weight on the basis that there are significant cumulative effects during the construction phase, particularly on a SSSI and longer-term cumulative effects on farming operations and visual amenity [ER 5.2.43].
96. The Secretary of State has not reached a different conclusion and/or weighting on the above matters and is therefore in agreement with the assessment provided by the ExA.
97. In the Planning Balance, the Secretary of State also considers that the following tests have been met:

Socioeconomic effects

98. The Secretary of State has considered paragraphs 4.6 and 4.7 of the NNNPS which state that the business case accompanying the Application will assess the economic, environmental and social impacts of a development. She has noted the Applicant's Economic Assessment within the Case for the Scheme document, which although is primarily based on a benefit to cost ratio ("BCR"), has also included consideration of the wider economic and social impacts and non-monetised benefits, as is set out mainly in Chapter 5 of that document. The Secretary of State has also noted that the LIRs of CCC and WCC are largely supportive of the economic benefits brought about by the Proposed Development and its potential for unlocking future growth through accessibility [ER 3.2.15 - 3.2.16]. The Secretary of State is satisfied that the ExA has had due regard to the conclusions of the Economic Assessment and also to the representations on the impacts and benefits from Interested Parties. On this basis, the Secretary of State considers that the ExA has taken into account all expected impacts and benefits resulting from the Proposed Development, including those outside of the BCR, and the information is sufficient for the Secretary of State's consideration and weighing of the adverse impacts and benefits. The Secretary of State is therefore satisfied that this is compliant with the NNNPS.

Carbon considerations

99. The Secretary of State has set out at paragraphs 17 - 19 of this letter that she agrees with the conclusions reached by the ExA in relation to matters of climate. She is satisfied that the Applicant and the ExA considered the implication of the legal judgement in *Finch (R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)* [2024] UKSC 20) within the assessment of carbon emissions and determined that there were no additional likely significant indirect effects that had not already been identified in the ES [ER 3.4.16 - 3.4.17 and 5.2.6].
100. In respect of greenhouse gas emissions, although the Secretary of State acknowledges an increase in emissions as a result of the Proposed Development, she agrees with the ExA that this would not be significant and the Proposed Development would be unlikely to have an impact on the UK Government meeting its carbon reduction plan targets [ER 3.4.21].

Water Environment

101. In considering the Road Drainage and the Water Environment, the Secretary of State has noted the objectives of the Water Framework Directive ("WFD") to prevent deterioration of water bodies and to protect or restore water bodies in order to reach 'good' status by 2027. The Secretary of State has noted Chapter 13 of the ES and its Appendix 13.2 'Water Framework Directive Compliance Assessment' which outlines the Applicant's assessment and findings in respect of the WFD designated water bodies within the Proposed Development study area. It concluded that any impacts are likely to be temporary and highly localised during construction, and with the Applicant's proposed mitigation for the operational phase, there would be no significant risk to any WFD water bodies [ES Appendix 13.2, paragraph 7.1.8]. The ExA was content that the Proposed Development accords with the requirements of the

Water Framework Directive [ER 3.5.24]. Noting that no concerns were raised by the Environment Agency or any other Interested Parties in respect of the Applicant's assessment and compliance with the WFD objectives [ER 3.5.5], the Secretary of State is likewise content. She is satisfied that the Proposed Development will not result in the deterioration of a waterbody status or prevent a water course from achieving 'good' status by 2027.

102. The Secretary of State notes that the Applicant's Flood Risk Assessment ("FRA") confirms that the Proposed Development involves work in Flood Zone 3 land [FRA 3.1.3]. Paragraph 5.144 of the NNNPS states that the Secretary of State should not consent development in Flood Zone 3 unless they are satisfied that the requirements of the Sequential and Exception Tests, (set out in the NPPF), are met. The Applicant's FRA notes that the location of the Proposed Development is fixed, as a result of needing to improve congestion on the SRN at this point of the existing A46, and so there are no reasonable lower-flood risk alternative routes to consider. As such, the Sequential Test has been met [FRA 3.1.2]. As the FRA states that the Proposed Development is classified as essential infrastructure as defined in the NPPF, then in accordance with the NPPF flood risk vulnerability and Flood Zone compatibility assessment, an Exception Test is required [FRA 3.1.3]. The Exception Test requires the following elements to be satisfied, namely: development that has to be in a flood risk area will provide wider sustainability benefits to the community to outweigh flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall [FRA 3.1.4]. The FRA found that the Exception Test has been met as the Proposed Development would provide wider sustainability benefits by alleviating congestion and improving journey times, providing socio-economic benefits for communities and businesses in the wider area and providing a range of environmental benefits [FRA 3.1.5 - 3.1.6] and that the Proposed Development will be safe for its lifetime taking account of the vulnerability of its users and without increasing flood risk elsewhere [FRA 10.1.18] which is primarily achieved through improving the structure of the A46 southbound embankment to ensure it remains above the 1% plus climate change flood level and that the embankment can act as a secondary defence and also through the inclusion of sustainable drainage systems controlling surface water run off [FRA 11.1.19]. The ExA report that in response to its questioning about the Applicant's FRA, neither the Lead Local Flood Authorities nor the Environment Agency felt this was inappropriate and were satisfied any specific areas of concern had been addressed [ER 3.5.8 - 3.5.12]. On this basis, the ExA concluded that the Applicant has fully addressed the flood risk associated with the Proposed Development, in compliance with the NNNPS [ER 3.5.13]. The Secretary of State agrees with these conclusions. The Secretary of State accepts that the location of the Proposed Development is set and is content that the wider benefits of the Proposed Development would outweigh any flood risk. Accordingly, the Secretary of State agrees with the Applicant that the Sequential and Exception Tests required by the NPPF are met and that this conclusion is consistent with paragraph 5.144 of the NNNPS.
103. The Secretary of State notes that new Flood and Coastal Erosion Risk Data is being produced by the Environment Agency following the release of its 'National assessment of flood and coastal erosion risk in England 2024' report. The new data relevant to planning were first published on 28 January 2025, with further updates to flood risk

datasets being produced every 3 months and coastal erosion datasets every 12 months thereafter. The Secretary of State expects the Applicant to work with the Environment Agency to consider what impact, if any, new data may have and to produce any revised assessments as required. She has also inserted a new requirement in Schedule 2 of the Order to require the Applicant to consider the Environment Agency's flood risk and coastal erosion data in its flood risk assessment. The Secretary of State has provided further detail in the 'Draft Development Consent Order and Related Matters' section in this letter.

Green Belt

104. The Secretary of State is aware that the Proposed Development is located within the Green Belt [ER 1.3.4]. In her considerations, she has therefore had regard to paragraphs 5.187 - 5.188 (policies controlling development in the Green Belt) and 5.203 (inappropriate development) of the NNNPS and to paragraphs 153 - 155 of the NPPF which outline that there is a general assumption against inappropriate development in Green Belt areas, except in very special circumstances. Development in the Green Belt is considered inappropriate unless one of the exceptions in paragraph 154 of the NPPF applies. Noting the Applicant's reasoning given in Chapter 6.3 of the Case for the Scheme, the Secretary of State is satisfied that parts of the Proposed Development can reasonably be described as local transport infrastructure and its location within the Green Belt has been justified [Case for the Scheme 6.3.316]. Furthermore, she notes the Applicant's reasoning establishes that due to the presence of the existing junction and the scale, form, and the extent of the proposed junction, the spatial and visual effects would preserve the openness of the Green Belt; and that the Proposed Development does not conflict with the purposes of the Green Belt [Case for the Scheme 6.3.317]. On this basis the Secretary of State finds no reason or evidence to disagree with the Applicant and as such, she is satisfied that the Proposed Development would fall within the exception set out in paragraph 154 (h) iii of the NPPF. The Secretary of State has therefore concluded that it would not be considered inappropriate development in the Green Belt, therefore according with the relevant requirements for the Green Belt in the NNNPS and the NPPF.

The Secretary of State's overall conclusions on the Planning Balance

105. The Secretary of State agrees with the conclusions on the weightings of the ExA. Having carefully considered all matters, the Secretary of State is satisfied that the need for the Proposed Development has been established and that this need should be afforded great weight given the contribution it would make to meeting the needs identified in the NNNPS, delivery of RIS2 (including the Interim Settlement), and all other relevant legislation and guidance. The Secretary of State has weighed the expected benefits of the Proposed Development against the potential negative effects that may occur, and she is of the view that any potential negative impacts are substantially outweighed by the need, and the economic and transport benefits that are expected from the Proposed Development [ER 5.3.4]. She is satisfied that all legislative and policy tests have been met.

Land Rights and Related Matters

106. The Secretary of State notes that the Applicant seeks powers to compulsorily acquire land and rights over land, create new rights over land and to take temporary possession of land [ER 6.1.1]. A full description of the land and rights sought and the reasons for their requirement, are set out in the Applicant's Statement of Reasons, Book of Reference and accompanying plans [ER 6.3.3 and 6.5.7].
107. In considering these powers, the Secretary of State has had regard to the legislative requirements set out by the ExA in ER 6.2, the 2013 "Planning Act 2008: Guidance Related to Procedures for the Compulsory Acquisition of Land by the former Department for Communities and Local Government" ("the CA Guidance") and she has additionally had regard to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("the CA Regulations").

Funding

108. Paragraph 17 of the CA Guidance states that an application should be accompanied by a statement explaining how it will be funded and where shortfalls are anticipated should include the degree to which other bodies have agreed to make financial contributions. Furthermore, paragraph 18 states that the Applicant should demonstrate that adequate funding is likely to be available to enable any compulsory acquisition within the statutory period following the Order being made.
109. The ExA reports that the Applicant's Funding Statement confirms the total cost of the Proposed Development will be met by the Department for Transport, including compensation payments relating to the compulsory acquisition and temporary possession of land or rights, or any future blight claim, and is not dependent on contributions from other parties [ER 6.6.11]. Although the ExA concluded there was no evidence before it that funding was not available, it was aware the Government/Department for Transport had not published a Road Investment Strategy beyond 2025. It was advised by the Applicant that until a new RIS has been set, the arrangements for April 2025 to March 2026 are covered by the Interim Settlement published in March 2025, which includes the A46 Coventry Junctions Scheme (Walsgrave Junction and Binley Junction). The Applicant therefore concluded that, to the best of available knowledge, funds remain available for the Proposed Development [ER 6.6.12]. The ExA suggested that the Secretary of State may wish to satisfy herself as to the funding, prior to her decision [ER 6.6.13]. For the reasons explained in The Case for the Proposed Development and Consideration of Alternatives section of this letter, the Secretary of State is satisfied of the commitment to the Proposed Development via RIS2 and the Interim Settlement and consequently the commitment to its funding. She is therefore satisfied that funding remains as set out by the Applicant and that there would be adequate funding in place to ensure delivery of the Proposed Development including enabling compulsory acquisition and temporary possession within the periods provided for in the Order.

Individual Objections

110. The Secretary of State notes that there were no objections to the compulsory acquisition or temporary possession powers sought nor were there any requests to be heard at a compulsory acquisition hearing [ER 6.7.1]. The ExA reports that the Applicant continued to negotiate with Affected Parties throughout the Examination, pursuing discussions to address specific concerns, and kept its Land and Rights Negotiation Tracker up-to-date with the progress made [ER 6.6.3]. In the absence of any specific objection, the ExA focussed its consideration on those Affected Parties who had not yet signed an agreement with the Applicant [ER 6.7.2] primarily CCC and a group of landowners represented by Fisher German LLP, and those considerations are set out at ER 6.7.3 – 6.7.11.
111. The Secretary of State agrees with the ExA that the Applicant has complied with paragraph 24 of the CA Guidance in respect of building working good relationships with those whose interests are affected [ER 6.7.12] and she is further satisfied that the Applicant has made efforts to first acquire the land by negotiation, in accordance with paragraph 25 of the CA Guidance, as demonstrated in REP7-005. She is aware that voluntary agreements in respect of the Affected Parties, have been finalised or are in the process of being finalised. Irrespective of this, the ExA found that there is a compelling case in the public interest for all of the land identified to be acquired compulsorily, should it be necessary, and considers that the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest [ER 6.8.8]. The Secretary of State agrees with this conclusion.

Crown Land, Special Category Land and Statutory Undertaker Land

112. Section 135 of the 2008 Act confirms that the Order may provide for compulsory acquisition of interests in Crown land but only with the consent of the appropriate Crown authority. Section 7.1 of the Applicant's Statement of Reasons confirms that none of the land required is Crown land [ER 6.5.3] and so the Secretary of State is satisfied that section 135 does not apply.
113. Sections 131 and 132 of the 2008 Act operate so that an Order which authorises the compulsory acquisition of common land or open space, or rights over such land, would be subject to Special Parliamentary Procedure unless an exemption applies. Although the Order land does include special category land (open space forming part of Coombe Abbey Park RPG) at plots 2/1e and 2/2, section 7.2 of the Statement of Reasons confirms that the Applicant is not seeking any permanent rights over this land, only temporary possession, meaning that the exception in section 132(4B) of the 2008 Act applies [ER 6.5.4 and 6.8.1]. As such, like the ExA, the Secretary of State is satisfied that Special Parliamentary Procedure under sections 131 and 132 does not apply [ER 6.8.2]. The Secretary of State further requires that any temporary possession of open space land shall be strictly limited to the duration specified in the Order and that the land shall be restored to its former condition upon completion of works.
114. Section 127 of the 2008 Act applies where a statutory undertaker submits a representation about the acquisition of its land and this objection is not withdrawn. If this is the case, the Secretary of State must be satisfied that the land or right can be

acquired without serious impediment to the statutory undertaker carrying out of its undertaking, or that such impediment can be made good by the use of alternative land. As section 7.4.1 of the Statement of Reasons states that none of the land to be acquired for the Proposed Development is statutory undertaker land for the purposes of s127(3) of the 2008 Act [ER 6.5.6], the Secretary of State is content this does not apply.

115. Section 138 of the 2008 Act applies if the proposed land to be acquired has a relevant statutory undertaker right over it or contains relevant apparatus belonging to a statutory undertaker. The Secretary of State must be satisfied that the extinguishment of the right or removal of apparatus is necessary for the carrying out of the Proposed Development. The Secretary of State is aware that the Order includes powers to authorise the extinguishment of relevant rights and will affect relevant apparatus belonging to National Grid Telecoms Limited (“NGT”) and National Grid Electricity Distribution (East Midlands) (“NGED”), both of whom made representations about protecting their networks during the Examination [ER 7.5.1]. The ExA report that the final Land and Rights Negotiations Tracker shows agreements on protective provisions between NGT, NGED and the Applicant were expected [ER 7.5.1] but the Secretary of State notes this had not been achieved by the close of Examination. Notwithstanding this, the ExA considered that the wording of the protective provisions included within the recommended Order would satisfactorily protect the interests of those undertakers [ER 7.5.3 - 7.5.4].
116. In her letter of 27 November 2025, the Secretary of State requested that the Applicant, NGT and NGED provide an update on their agreements and any wording that had been agreed in relation to protective provisions. In their respective responses of 11 December 2025, both NGT and NGED’s representative and the Applicant confirmed that a separate agreement between them on a suitable form of protective provisions was substantially finalised although not formally completed. The Secretary of State agrees with the ExA that the recommended Order contains satisfactory provision to provide an adequate degree of protection to the interests of the statutory undertakers in any event.
117. Overall, the Secretary of State is content that any interference with apparatus and extinguishment of statutory undertakers’ rights would be necessary for the carrying out and operation of the Proposed Development but she is satisfied that provisions are in place to provide adequate protection to the statutory undertaker. On this basis, she considers that the requirements of section 138 of the 2008 Act are met.

Other consents

118. Paragraph 19 of the CA Guidance confirms that the Applicant needs to demonstrate that any potential risks or impediments to implementation have been properly managed and that any legal matters, including the need for any operational or other consents, have been taken into account. The Secretary of State notes that the details of other consents required to construct, operate and maintain the Proposed Development are set out in the Applicant’s Consents and Agreements Position Statement [ER 7.6.2]. The ExA was content that there were no additional matters arising from or relating to other consents [ER 7.6.3]. The Secretary of State

is likewise content and she considers that this does not pose an impediment to the implementation of the Proposed Development. She further notes that the Applicant must keep its Consents and Agreements Position Statement updated and report progress until all critical consents are secured.

Secretary of State's overall conclusions on land rights and related matters

119. The Secretary of State is satisfied that the Application includes a request for compulsory acquisition of land to be authorised, as outlined in section 123 of the 2008 Act. Additionally, the Secretary of State agrees with the ExA that the tests in section 122(2) and 122(3) of the 2008 Act are met; that the land is required for, or incidental to, the Proposed Development and that there is a compelling case in the public interest for the land to be acquired compulsorily [ER 6.6.5 - 6.6.6].
120. In respect of the relevant parts of the CA Guidance and CA Regulations, the Secretary of State agrees with the ExA that:
- the Applicant has sought to minimise land take and effects on land interests wherever possible [ER 6.4.3 and 8.1.8];
 - the Applicant has demonstrated a clear idea of how it intends to use the land rights it proposes to acquire [ER 8.1.8];
 - there are no suitable alternative sites to the land proposed for the Proposed Development [ER 6.6.9];
 - the Applicant has explored all reasonable alternatives to compulsory acquisition [ER 6.6.10 and 8.1.9];
 - any interference with human rights is for legitimate purposes, is proportionate and justified in the public interest [ER 8.1.10];
 - the Secretary of State has satisfied herself that there is sufficient funding in place to cover the costs that may arise from the exercise of the compulsory purchase powers contained within the Order [ER 6.6.13]; and
 - she agrees with the Applicant's position in its Statement of Reasons that any potential risks or impediments to implementation of the scheme have been properly managed including the need to obtain any other consents or licences [APP-008, 7.5.2].
121. The Secretary of State is satisfied that the Application and its Examination procedurally accord with the 2008 Act and related guidance and all evidence submitted to the Examination has been considered [ER 6.6.1 - 6.6.3 and 7.7.1]. The Secretary of State considers that there is therefore nothing to suggest that parties have not had a reasonable chance to put forward their case and agrees with the Applicant that Article 6 of the European Convention on Human Rights has been complied with [PD1-007, paragraphs 6.3.3 – 6.3.5]. The ExA and Secretary of State both consider that while rights would be interfered with, the interference would be proportionate and justified in the public interest and consequently the compulsory acquisition and temporary possession powers would be compatible with the overarching aims of the Human Rights Act 1998, European Convention on Human Rights and relevant CA guidance [ER 6.8.8]. Specifically, she has considered Article 8 and Article 1 of its first Protocol, and is satisfied that any interference is lawful, proportionate, and justified.

122. Overall, the Secretary of State is satisfied that the requirements of the 2008 Act are met [ER 6.6.6], as well as the relevant parts of the CA Guidance and the CA Regulations.

GENERAL CONSIDERATIONS

The Equality Act 2010 and the Public Sector Equality Duty

123. Section 149 of the Equality Act 2010 includes a public sector “general equality duty” setting out the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not [ER 6.8.9]. The Secretary of State notes that the Applicant, although not a public body, had regard to the principles of the public sector equality duty and prepared an Equality Impact Assessment which identified groups with protected characteristics and detailed the potential effects of the Proposed Development on them. The Applicant’s Equality Impact Assessment did not anticipate any disproportionate impacts on protected characteristic groups and the ExA did not receive any representations in this respect, during Examination [ER 6.8.10]. The Secretary of State agrees with the ExA and considers that the Applicant has complied with the public sector equality duty [ER 6.8.11]. She is also content that the ExA, in managing the Examination and coming to its conclusions in the Report, has also had due regard to the duties under the Equality Act legislation [ER 6.8.9]. In considering the determination of this Application, the Secretary of State has had due regard to the public sector equality duty.

Natural Environment and Rural Communities Act 2006

124. The Secretary of State, in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006 as amended by section 102 of the Environment Act 2021, has had regard to the duty of conserving and enhancing biodiversity and, in particular, to the United Nations Environmental Programme on Biological Diversity of 1992. The Secretary of State is also satisfied that the ExA has had regard to the Natural Environment and Rural Communities Act 2006 and biodiversity duty in the relevant sections of the Report [ER 2.2.7 and Table A1].

Draft Development Consent Order and related matters

125. The Secretary of State has made a number of minor textual amendments to the recommended Order in the interests of clarity, consistency and precision. The Secretary of State makes the following modifications:
- Article 2 (interpretation) has been amended as follows:
 - Definitions have been removed where those terms are used in only one provision elsewhere in the Order, including “environmental masterplan”, “permit scheme”, “pre commencement plan” and “pre commencement works”.
 - The definition of “relevant planning authority” has been amended to provide that it refers to the planning authority for the land to which the provision

relates. The Secretary of State considers that this drafting is well preceded, simpler and achieves the same outcome.

- Paragraph (9) has been amended to clarify that the term “includes” may be limited where construing it without limitation would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.
- Article 7 (limits of deviation) has been amended to remove the tailpiece of article 7(1) on the basis that it effectively duplicates what is already provided for in article 7(2).
- Article 9(1) (consent to transfer benefit of Order) has been amended to qualify that any such transfer requires the written consent of the Secretary of State. This is the preceded position and, in the Secretary of State’s view, such a consent is necessary and appropriate. The “subject to” text at the paragraph has also been removed as none of the subsequent paragraphs caveat paragraph (1).
- Article 10(8) (application of the 1991 Act) has been removed on the basis that, whilst there are limited precedents for it, the explanatory memorandum did not justify its inclusion.
- Article 16(1) (use of private roads for construction) has been amended to remove the reference to maintenance in relation to the applicable purposes for use, in line with most precedents having regard to the lack of justification in the explanatory memorandum.
- Article 18(5) to (7) (classification of roads and speed limits, etc.) have been amended to exempt special forces and to clarify drafting in respect of the national speed limit.
- Ex article 22 (powers in relation to watercourses) has been removed. It was not clear to the Secretary of State from the examination material that this power was ultimately necessary. In any case, the drafting proposed was considered to be unduly broad, as the watercourse/s were not identified and no provision was made for relationship with other consents or permits.
- Article 22(9) (protective works to buildings) has been removed. There is no justification in the explanatory memorandum and the Secretary of State therefore considers it unnecessary.
- Article 23 (authority to survey and investigate the land) has been amended to include a new paragraph (3), which requires any notice under paragraph (2) to indicate the nature of the survey or investigation intended. Paragraph (1) has also been amended as the reference to land “which may be affected” was considered too imprecise.
- Article 24 (felling or lopping of trees and removal of hedgerows) has been amended to:
 - introduce a new paragraph (2)(c), which requires the undertaker to take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981. The Secretary of State considers this an important obligation, and appropriately broad in the circumstances; and

- clarify in paragraph (4), the function of Part 1 (removal of hedgerows) of Schedule 5.
- Article 38 (temporary use of land for carrying out the authorised development) has been amended to:
 - remove paragraph (3), as the Secretary of State considers that this provision is not widely preceded in transport DCOs, and no justification was provided in the explanatory memorandum to justify its inclusion; and
 - insert new paragraphs (8) and (13), which clarifies the ambit of the powers in paragraph (1)(a), both of which are well preceded in other transport orders.
- Article 39(6) (temporary use of land for maintaining the authorised development) has been amended to remove the condition that the undertaker is not required to restore the land to a condition better than prior to temporary possession. It is not clear to the Secretary of State why a restoration could be interpreted as requiring improvements to the land, and no justification in the explanatory memorandum was provided to explain why that is the case.
- Article 48(1) (defence to proceedings in respect of statutory nuisance) has been amended to remove reference to paragraph (fb) of section 79 of the Environmental Protection Act 1990. It was not clear to the Secretary of State why this particular statutory nuisance was included, and no justification was provided in the explanatory memorandum.
- Article 50 (certification of documents, plans etc.) has been amended to remove paragraphs (4)-(9). These paragraphs are novel, not justified in the explanatory memorandum, and do not appear in the model provisions. Absent an explanation, the Secretary of State has elected to remove them.
- Article 52(5) (disapplication and modification of legislative provisions) has been moved to a new article 45 (existing powers and duties of the undertaker) as it was neither a disapplication nor a modification.
- Article 55 (appeals relating to the Control of Pollution Act 1974) has been removed. This is in line with many recent transport DCOs. The Secretary of State remains of the view that the existing mechanisms are sufficient.
- Schedule 2 (requirements) has been amended in the following ways:
 - Paragraph 1 (interpretation) has been amended to:
 - remove the definitions of “European protected species” and “nationally protected species” as these terms are not used elsewhere in the Schedule; and
 - move the definitions of “Ecological Clerk of Works” and “Outline Traffic Management Plan” to the sole paragraphs where they are used.
 - Paragraph 4 (second iteration EMP) has been amended to insert a new sub-paragraph (1)(b) as outlined in paragraph 62 above.
 - Paragraph 9(1) (surface and foul water drainage) has been amended to provide that insofar as it relates to the Coombe Pool SSSI, Natural England are a consultee, on matters related to its functions.

- Paragraph 9(2) (surface and foul water drainage) has been amended to provide that the lead local flood authority and the Environment Agency are also consultees.
- A new paragraph 13 (flood risk assessment) has been inserted in line with previous orders.
- Paragraph 20 (details of consultation) has been amended to insert a new sub-paragraph (2), which allows for the summary report to be circulated among relevant consultees. The Secretary of State considers that this approach will help ensure parties are all in agreement as to the summary of the consultation.
- Schedule 4 (classification of roads, etc.), Parts 1 (trunk roads) and 5 (speed limits) have been amended to insert two new items – the A46 eastern and western roundabouts. Both are shown on the relevant plans as trunk roads but weren't included in the Schedule.
- Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) has been amended to remove paragraph 6 (application of the 2017 regulations). This is in line with previous decisions, and in any case, no justification for this provision was included in the explanatory memorandum.

SECRETARY OF STATE'S OVERALL CONCLUSION AND DECISION

126. For all the reasons set out in this letter, the Secretary of State has decided to grant development consent, subject to the changes in the Order mentioned above. The Secretary of State is satisfied that none of these changes constitutes a material change and is therefore satisfied that it is within the powers of section 114 of the 2008 Act for the Secretary of State to make the Order as now proposed.

CHALLENGE TO DECISION

127. The circumstances in which the Secretary of State's decision may be challenged are set out in Annex A of this letter.

PUBLICITY FOR THE DECISION

128. The Secretary of State's decision on this Application is being publicised as required by section 116 of the 2008 Act and regulation 31 of the 2017 Regulations.

Yours faithfully,

Natasha Kopala
Head of the Transport Infrastructure Planning Unit

ANNEX A

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order is published. Please also copy any claim that is made to the High Court to the address at the top of this letter.

The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 (as made) is being published on the Planning Inspectorate website at the following address:

[A46 Coventry Junctions \(Walsgrave\) - Project information
https://national-infrastructure-
consenting.planninginspectorate.gov.uk/projects/TR010066](https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR010066)

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).