

A46 Coventry Junctions Upgrade (Binley junction)

Highways England Statement of Case

**In respect of the Highways and Compulsory Purchase Orders
under Provisions of the Highways Act 1980**

January 2020

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STATEMENT OF CASE

for

**THE A46 TRUNK ROAD (COVENTRY
JUNCTIONS UPGRADE (BINLEY))
(TRUNKING) ORDER 201[]**

and

**THE A46 TRUNK ROAD (COVENTRY
JUNCTIONS UPGRADE (BINLEY))
(DETRUNKING) ORDER 201[]**

and

**THE A46 TRUNK ROAD (COVENTRY
JUNCTIONS UPGRADE (BINLEY)) (SIDE
ROADS) ORDER 2019**

and

**THE A46 TRUNK ROAD (COVENTRY
JUNCTIONS UPGRADE (BINLEY))
COMPULSORY PURCHASE ORDER 2019**

Table of Contents

1	Introduction	10
1.1	Overview	10
1.2	The Project.....	10
1.3	Secretary of State’s Responsibilities.....	12
2	Background	14
2.1	Existing Conditions of the project	14
2.2	Scheme History	14
2.3	Alternatives Considered	14
2.4	Need for and Benefits of the Scheme	15
2.5	Objectives of the Project.....	17
3	Environmental Assessment of the Project	18
3.1	Introduction	18
3.2	Summary of environmental assessment	18
3.3	Air quality.....	18
3.4	Noise and vibration	19
3.5	Biodiversity.....	19
3.6	Road drainage and the water environment.....	20
3.7	Landscape and Visual.....	21
3.8	Geology and soils.....	21
3.9	Cultural heritage.....	21
3.10	Materials and waste.....	22
3.11	People and communities	22
3.12	Climate	23
4	Traffic and Economic Assessment of the Scheme	24
4.1	Introduction	24
4.2	The Traffic Model.....	24
4.3	Forecast Traffic Flows	25
4.4	Journey Time Savings	32
4.5	Summary of Traffic Impacts	33
4.6	Economic Appraisal of the Scheme.....	33
4.7	Value for Money Assessment.....	34
5	The Orders	37
5.1	The Planning Position.....	37
5.2	The Compulsory Purchase Order.....	37
5.3	The Line Orders.....	38
5.4	The SRO	39

6	Conformity with Planning Policy	40
6.1	Government transport policy	40
6.2	The Road Investment Strategy (RIS)	40
6.3	National Planning Policy Framework	41
6.4	National Networks National Policy Statement	42
6.5	Highways England: Strategic Business Plan 2015 to 2020	42
6.6	Local Policy Support	43
6.7	Local Transport Policy	43
6.8	Conclusions	44
7	The Case for Compulsory Acquisition	45
7.1	Introduction	45
7.2	Compelling case in the public interest	45
7.3	Improved Safety	46
7.4	Support the growing economy	47
7.5	Support the smooth flow of traffic	47
7.6	Relieve congestion	47
7.7	Minimise effect on environment	47
7.8	Value for money	48
7.9	Acquisition of Land and Rights by agreement	48
7.10	Interference with human rights	49
7.11	Timings of the Orders and the project	50
7.12	Use of Land	50
7.13	Funding Statement	51
7.14	Other consents and impediments	51
7.15	Conclusions	51
8	Special Considerations	52
8.1	Crown Land	52
8.2	Special Category Land	52
8.3	National Trust ‘inalienable’ land	52
8.4	Statutory Undertaker Land	52
8.5	Other designations	52
8.6	Green Belt	52
8.7	Minerals and Waste Policy	53
9	Objections and Representations	54
9.1	Summary	54
9.2	Responses of support	54
9.3	Statutory objections	54
9.4	Statutory undertakers	54
9.5	Landowners directly affected by the Project	55

9.6	Whitbread Group (Premier Inn Hotel).....	57
9.7	Shirley Jones, Janette Green, Steven Merryweather, Paul Merryweather, Julie Yearby, Jason Yearby, Claire Harrison. Trustees of Agricultural Field south east of Binley junction.....	57
9.8	Non-statutory objections	58
9.9	Councillor Heather Timms	60
9.10	Applicant’s response to Councillor Heather Timms	60
9.11	Ms Rebecca Picarelli	61
10	Specialist Evidence and Deposit Documents.....	62
10.1	Specialist Proofs of Evidence.....	62
10.2	Deposit Documents.....	62
	Appendices	64
	Appendix 1: Deposit Documents	65
	Appendix 2: Status of Negotiations with Landowners (07/10/2019).....	67

Figures and Tables

Figures

Figure 1 - Existing A46/A428 Binley Junction.....	11
Figure 2 - Detrunked Local Authority Carriageway Adoption	13
Figure 3 - Area of Detailed Modelling (AoDM).....	25
Figure 4 - 2021 AM Flow (All vehicles – Vehs/hr).....	27
Figure 5 - 2021 PM Flow (All vehicles – Vehs/hr).....	28
Figure 6 - 2036 AM Flow (All vehicles – Vehs/hr).....	30
Figure 7 - 2036 PM Flow (All vehicles – Vehs/hr).....	31
Figure 8 - Journey Time Route	32

Tables

Table 1: Glossary of Terms.....	8
Table 2: Forecast Years.....	26
Table 3: 2021 Journey Time Comparison (Minutes).....	33
Table 4: 2036 Journey Time Comparison (Minutes).....	33
Table 5: Initial BCR.....	35
Table 6: Adjusted BCR for Scheme	36
Table 7: Value for Money Categories (Source: DfT Value for Money Framework)	36

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Glossary of Terms and Abbreviations

Table 1: Glossary of Terms

Abbreviation	Definition
ALA	Acquisition of Land Act
BCR	Benefit to Cost Ratio
CASM	Coventry Area Strategic Model
CEMP	Construction Environmental Management Plan
CPO	Compulsory Purchase Order
CSR	Client Scheme Requirements
DfT	Department of Transport
DM	Do Minimum
DS	Do Something
EAR	Environmental Assessment Report
ECHR	European Convention on Human Rights
GPDO	General Permitted Development Order
GVA	Gross Value Added
HA	Highways Act 1980
HAM	Highways Assessment Model
HGV	Heavy Goods Vehicle
IDP	Infrastructure Development Plan
LNR	Local Nature Reserve
LWS	Local Wildlife Site
NNPS	National Networks Policy Statement
NO2	Nitrogen Dioxide
NP SNN	National Policy Statement for National Networks
NPPF	National Planning Policy Framework
NPV	Net Present Value
NSIP	Nationally Significant Infrastructure Project
OAR	Options Assessment Report
ONS	Office of National Statistics
OS	Ordnance Survey
PM10	Particulate Matter 10 micrometres or less

Abbreviation	Definition
PTAM	Public Transport Assessment Model
PVB	Present Value of Benefits
PVC	Present Value of Costs
RIS(1)	Highways England Road Investment Strategy (Phase 1)
SMP	Smart Motorway Programme
SOBC	A46 Strategic Outline Business Case
SRN	Strategic Road Network
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
TEE	Transport Economic Efficiency
TUBA	Transport User Benefit Analysis
VfM	Value for Money

1 Introduction

1.1 Overview

1.1.1 This Statement of Case relates to the A46 Coventry Upgrade Scheme at Binley junction (“the **Project**”) and the Orders that have been submitted by Highways England Company Limited (“the **Applicant**”) to the Secretary of State for Transport (“the **Secretary of State**”). It relates to the following Orders: (Appendix 1, A.01 to A.04)

- The A46 Trunk Road (Coventry Junctions Upgrade (Binley)) (Trunking) Order 201[] (the draft “**Trunking Order**”)
- The A46 Trunk Road (Coventry Junctions Upgrade (Binley)) (Detrunking) Order 201[] (the draft “**Detrunking Order**”)
- The A46 Trunk Road (Coventry Junctions Upgrade (Binley)) (Side Roads) Order 2019 (the made “**SRO**”)
- The A46 Trunk Road (Coventry Junctions Upgrade (Binley)) Compulsory Purchase Order 2019 (the made “**CPO**”)

together the “**Orders**”.

1.1.2 The Project forms part of a phased upgrade of Binley and Walsgrave junctions known collectively as “the **Scheme**”. Phasing was required to reduce the impact on the community and road users. For clarity, reference to “the **Project**” only refers to the grade-separation of the Binley junction. Reference to “the **Scheme**” is inclusive of the Binley junction grade separation and Walsgrave junction upgrade.

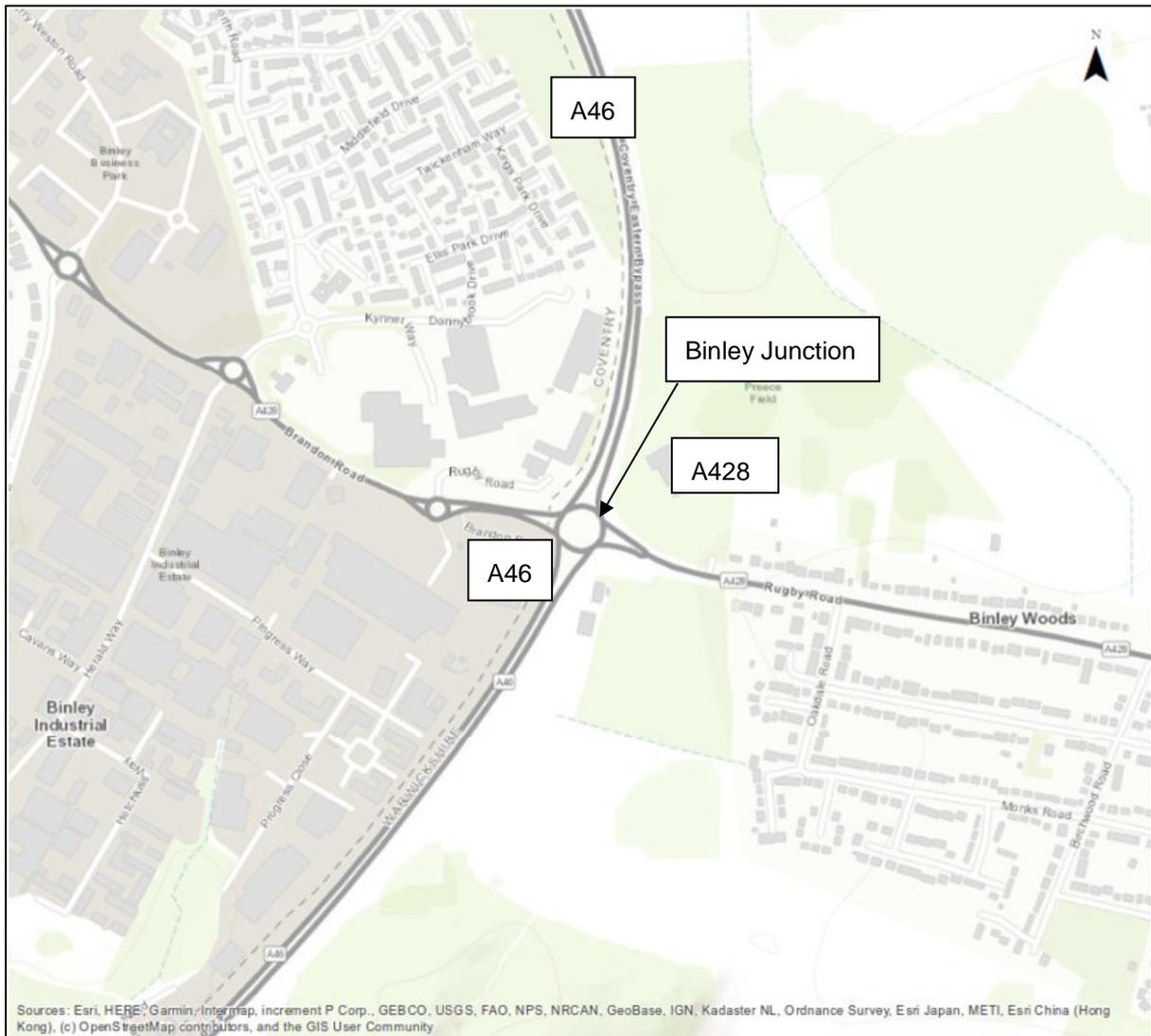
1.1.3 The decision on whether the project will be subject to a Public Inquiry is made by the Secretary of State. A notice was issued by the Department for Transport to the Applicant on the **21st November 2019** confirming that the Secretary of State intends to hold a Public Inquiry.

1.1.4 This Statement of Case is provided pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (Appendix 1, F.01) and Rule 6 of the Highways (Inquiries Procedure) Rules 1994 (Appendix 1, F.02). It sets out the case that the Applicant will present at the Public Inquiry in support of the Orders, although the Applicant reserves the right to expand upon matters detailed in the Statement of Case and produce further documents and evidence in response to submissions made by other parties to the Inquiry.

1.2 The Project

1.2.1 The A46 Binley junction (known locally as TGI junction) forms the interchange between the A46 dual all-purpose carriageway and the A428, located approximately mid-distance between the A45 and the M6 on the south-west of Coventry, adjacent to key current and future development sites in the Binley area (OS Grid Ref. SP 387 777). Currently, the junction consists of an at-grade signalised roundabout. Refer to Figure 1 below. As mentioned, this project forms part of the A46 Coventry Upgrade Scheme which also includes a commitment to the phased upgrade of Walsgrave junction to the north.

Figure 1 - Existing A46/A428 Binley Junction



- 1.2.2 The works area comprises a section of the A46 Coventry Eastern Bypass, the existing Binley junction on the A46, as well as part of the A428 Rugby Road to the East and the A428 Brandon Road to the West. An indicative layout of the project illustrating the works is provided on the General Arrangement Drawings (Appendix 1, A.05 to A.07).
- 1.2.3 The Project comprises an upgrade to the A46 Binley junction. Specifically, it entails grade separation of the existing junction by raising the A46 dual carriageway over the A428 Rugby Road and providing entry and exit slip roads to an at-grade gyratory junction. The elevated section of the A46 will utilise a combination of retaining walls and bridge structures, formed of five spans. The slip roads will be constructed on embankments and retaining walls will be used where the project is close to a

property boundary, as appropriate. Local traffic using the A428 will continue to use the revised roundabout with access to and from the A46 without the need for drivers on the A46 to slow down for a roundabout as they do now. As presently, the gyratory will be signalised and the national speed limit will be maintained along the A46. The A428 Brandon Road to the east and A428 Rugby Road to the west would not be significantly affected by the project.

1.2.4 The length of the proposed project is 1.55km. The maximum elevation of the project will be approximately 93m above Ordnance Datum, which is approximately 7.17m above the existing elevation of 85.7m above Ordnance Datum.

1.2.5 Non-Motorised Users, including pedestrians and cyclists will continue to have access with two proposed toucan road crossings within the junction. These will be located along the southbound on-slip and the northbound off-slip. To join these crossing points there is a proposed cycle path and pavement that will go underneath the newly elevated A46 and connect the A428 to the east and west of the junction.

1.2.6 A summary of the project is as follows:

- The grade separation of the Binley junction by raising the A46 with the construction of a new five-span flyover structure over the existing signalised roundabout which connects the A428: Rugby Road (east) and Brandon Road (west).
- The construction of a new northbound off-slip road consisting of two lanes;
- The construction of a new northbound on-slip road, starting off with two lanes before merging into a single lane. This connector road includes an auxiliary lane to merge onto the mainline;
- The construction of a new southbound off-slip road. The single lane will be widened to two lanes before the approach to the roundabout;
- The construction of a new southbound on-slip road, with an auxiliary lane. This connector road starts with two lanes before merging into a single lane.

1.2.7 Non-motorised user provisions for walkers and cyclists:

- The provision of a toucan crossing from west to east along the A428, crossing the A46 below the new flyover.

1.2.8 Mitigation Works:

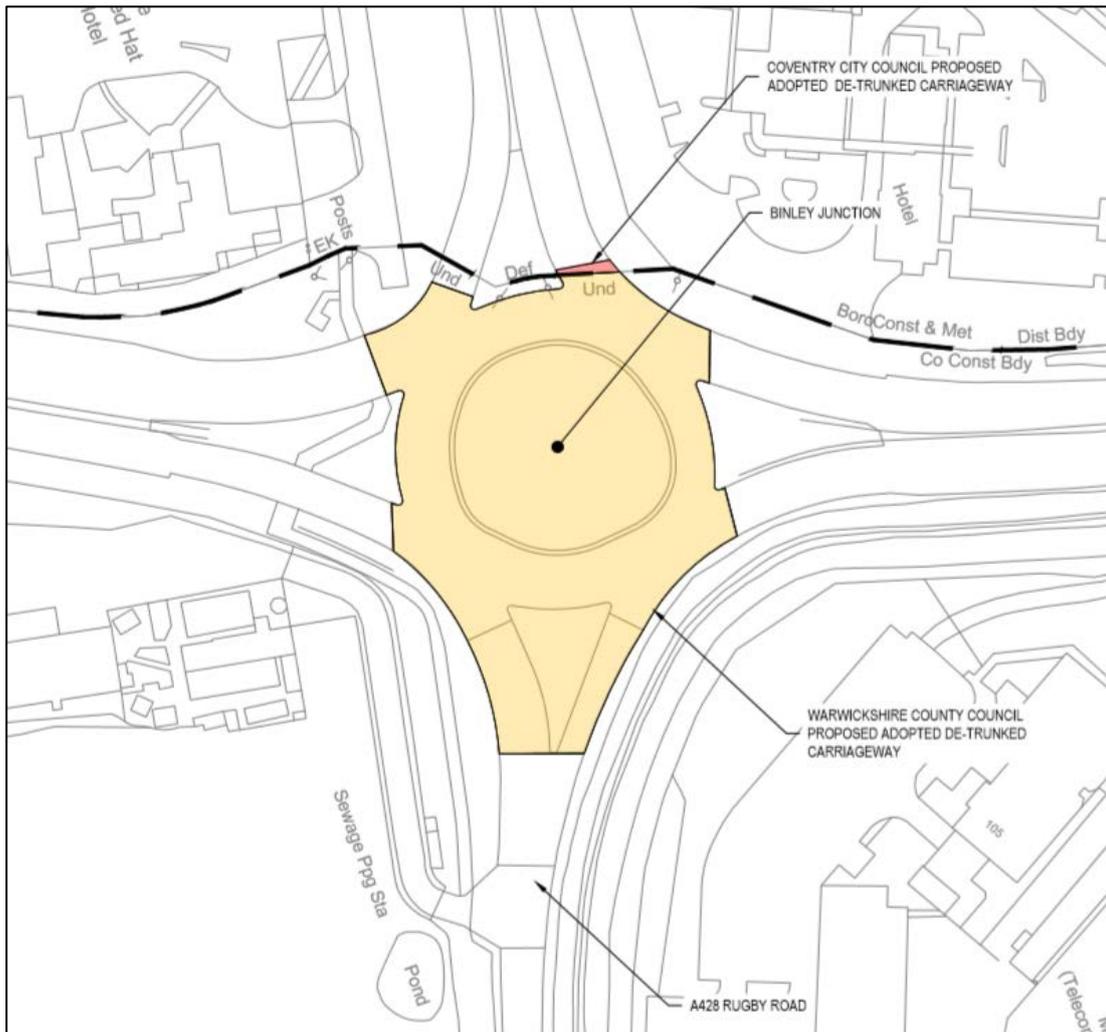
- A new retaining wall on the northbound off-slip road to accommodate the widening in conjunction with maintaining the access road adjacent to the Cocked Hat Hotel.
- A new retaining wall on the southbound off-slip road to accommodate the widening whilst maintaining a realigned access track within the Broadstreet Rugby Football Club.
- Inclusion of solid parapets on both sides of the flyover and approach ramps to mitigate the impact of noise, artificial lighting and headlight glare on nearby commercial and residential properties
- New fencing and landscaping will be provided as required.

1.3 Secretary of State's Responsibilities

1.3.1 The Applicant is the government owned company charged with operating, maintaining and improving the strategic road network (motorways and trunk roads) in England on behalf of the Secretary of State.

- 1.3.2 The Applicant is the Highway Authority for the A46 trunk road including the slip roads at Binley junction. Coventry City Council is the Highway Authority for the A428 public road connecting on the west side of the junction. The A428 public road connecting on the east side of the junction is under the responsibility of the Warwickshire County Council Highway Authority.
- 1.3.3 Coventry City Council and Warwickshire County Council are the adopting authorities of the detrunked A46/A428 existing at-grade junction. By reference to Figure 2 below, the split between local authority carriageway adoption can be seen.

Figure 2 - Detrunked Local Authority Carriageway Adoption



2 Background

2.1 Existing Conditions of the project

- 2.1.1 The existing Binley junction is an at-grade signalised roundabout with four arms, located between Tollbar End junction to the south and Walsgrave junction to the north. The A46 consists of two lanes in the northbound and two lanes in the southbound direction.
- 2.1.2 The current A46/A428 signalised junction causes a conflict between through traffic on the A46 with local traffic and traffic making right turn movements, restricting traffic flow on the Strategic Road Network (SRN). This is one of the causes of congestion and is a contributory factor to the existing accident cluster around the junction.
- 2.1.3 The existing roundabout consists of a 15m wide circulatory carriageway and an internal island with a diameter of 50m (including mixed deciduous shrubs and small trees). This existing roundabout would accommodate the proposed bridge piers for the elevated section of the project as previously mentioned.
- 2.1.4 Prior to 2012, Binley junction was not signalised and in 2016 and 2017 works took place at the A44/A46 Tollbar End junction to upgrade it from an at-grade signalised roundabout to a grade separated gyratory.
- 2.1.5 Currently, the circulatory carriageway at Binley junction has a 40mph posted speed limit. The proposals will maintain the national speed limit for through traffic routed via the mainline flyover.

2.2 Scheme History

- 2.2.1 The proposed upgrade of the A46 Binley and Walsgrave junctions is one of a number of schemes set out under the Department for Transport Road Investment Strategy (RIS1) to be developed by Highways England during 2015 to 2020, as announced in the 2014 Autumn Statement.
- 2.2.2 The Highways England South Midlands Route Strategy Evidence Report (Appendix 1, H.01) indicated that the Coventry section of the A46 suffers from congestion and poor journey time reliability issues. These are likely to be exacerbated by future housing growth and economic aspirations.
- 2.2.3 According to the Highways England Strategic Business Plan: 2015-2020 (Appendix 1, H.02), the Scheme is forecast to generate time savings of around 350,000-person hours in the opening year for all users. The value of the time saving is expected to be £178 million (over a 60-year appraisal period).
- 2.2.4 The Options Appraisal at Binley junction – Technical Note (August 2018) (Appendix 1, C.01) details the key decisions and milestones throughout the project history, discussed further below.
- 2.2.5 Public Information Events were held in March 2017 and March 2018. The 5 span A46 flyover was considered to provide better visibility through the junction and designed in response to feedback received from the initial Public Information Exhibition. This 5-span option was consulted with the community as a preferred solution in the March 2018 Exhibition.

2.3 Alternatives Considered

- 2.3.1 A number of decisions were made during the life of the project which resulted in the progression of an elevated grade separation of the A46 from the signalised roundabout at A428 at Binley junction for preliminary design.

- 2.3.2 Three broad options were defined and considered at the November 2015 Highways England Workshop that were presented in the December 2015 A46 Coventry Options Assessment Report (OAR) (2015) (Appendix 1, C.02). The Option selected for further development was the grade separation of Binley roundabout with an elevated A46 carriageway crossing on a structure above the roundabout.
- 2.3.3 In May 2016 a further four options were identified to address the delivery cost issue, with the aim of seeking additional funding and/or amending the RIS scheme description through a change control process with the Department for Transport (DfT).
- 2.3.4 In September 2016, the 'Options Comparison and Recommendation (HE Divisional Director's) Technical Note', (Appendix 1, C.04) made the recommendation to progress a grade separated junction at Binley with a 50mph speed limit.
- 2.3.5 In October 2016, five options for a grade separated junction at Binley with a 50mph speed limit were then developed, which identified a recommendation to progress an elevated A46, with the A428 circulatory carriageway and slip roads at-grade. This is outlined in the January 2017 Appraisal Specification Report (Stage 3) (Appendix 1, C.05).
- 2.3.6 In February 2017, Highways England requested that a geometric design of a national speed limit option for Binley junction without physically impacting on the surrounding buildings be progressed.
- 2.3.7 In November 2017, The Binley Value Engineering (VE) Technical Note (Appendix 1, C.03) considered a 3 and 5 span elevated A46 flyover with open span piers whilst maintaining the existing roundabout at Binley junction. The open span structure was considered to provide better visibility on the roundabout and for NMUs that was in response to feedback received from the initial Public Information Exhibition held in March 2017.
- 2.3.8 Highways England consulted the local community at the Public Information Exhibition in March 2018 on the preferred option of an A46 elevated grade separated junction at Binley (with national speed limit) by raising the A46 on a flyover above the existing A428 and providing a signalised roundabout. The Options Appraisal At Binley Junction – Technical Note (August 2018) (Appendix 1, C.01) mentioned previously details option arrangements.

2.4 Need for and Benefits of the Scheme

- 2.4.1 The A46 is a strategic link between the East and West Midlands, and beyond, linking M1 Junction 21 to M40 Junction 15, connecting Coventry and Warwickshire to the motorway system and providing connections to the SRN and the rest of the country.
- 2.4.2 The A46 is included in Highways England's South Midlands Route Strategy (Appendix 1, H.01) which covers 440 carriageway miles (both directions), running from M5 J9, in the west, to the M69 (at the M6 Junction 2 interchange) which links to the M1, in the east.
- 2.4.3 The South Midlands route provides access to a number of significant traffic generators, including the National Exhibition Centre, Birmingham, and the Donnington Park Motor Racing Circuit. Coventry and East Midlands airports are within the route and it links these major international hubs with the M1 and M6. The A46 corridor links the M1 with the M40, thus providing an alternative route to the M42 for longer distance northeast-southwest travel.
- 2.4.4 The A46 corridor also provides an alternative route for journeys between the East Midlands and the south west, avoiding the 'Birmingham Box', forming part of the national SRN, linking the M6/M69 with the M40 and the M5. The route connects a

number of major employment sites to the wider motorway network and forms a key element of the north-south travel to work area. This stretch of the A46 connects a number of education establishments, retail parks, Coventry Airport and residential areas to the wider motorway network.

- 2.4.5 The existing problems are identified in the A46 Strategic Outline Business Case (SOBC) and Client Scheme Requirements (CSR) for Binley junction (Appendix 1, C.06).
- 2.4.6 The A46 south of Coventry between A452 and A45 is the busiest section of the route. It operates at an average peak hourly speed for traffic of between 41 miles per hour (mph) and 50mph, dropping to between 21mph and 30mph on approaches to the A45 junction. It is listed in the worst 10% of roads for vehicle-hour delays nationally.
- 2.4.7 The A46 south of Coventry also experiences safety performance issues and is in the worst 45% of strategic roads for total casualties and in the top 250 collision locations in England. The Binley junction also carries a significant volume of freight traffic and has a number of collision clusters.
- 2.4.8 It is currently possible for vulnerable road users, such as pedestrians, to access and cross this stretch of the A46 at any point unrestricted and unsafely. Stakeholders have raised concerns regarding the need for better crossing points on the A46 in Coventry to protect the safety of cyclists and pedestrians.
- 2.4.9 Due to the recent completion of A45/A46 Tollbar End junction this information for the A46 route performance will require post opening project evaluation. Updated data is currently being sought. This junction was upgraded from an at-grade signalised roundabout to a grade separated junction which has permitted free flowing traffic on the A45/A46 mainline through this junction increasing congestion at the Binley junction.
- 2.4.10 Congestion problems and low peak hour speeds have resulted in high vehicle delay and poor journey time reliability. Congestion between the Binley and Walsgrave junctions occurs in both directions at AM and PM peak times.
- 2.4.11 From the overall A46 route perspective, the majority of the junctions along the route are grade separated, with the exception of the two junctions at Binley and Walsgrave. These junctions form effective pinch points and barriers to economic growth, which the phased upgrade of both junctions aims to address. It has been observed that freight vehicles travelling through the signalised roundabout at Binley have further compounded congestion issues as there is insufficient space for stacking large vehicles and the swept paths are inadequate for turning movements.
- 2.4.12 From the specific Binley junction perspective of this project, capacity is constrained by the existing roundabout layout. The circulatory carriageway is signalised and has a 40mph speed limit. To the north and south of the junction, traffic on the A46 is permitted to travel at the national speed limit. Limited space for queuing traffic on the roundabout creates issues with turning movements, particularly with Heavy Goods Vehicles (HGVs) which often straddle lanes. These factors impair the free flow of traffic on the SRN through the junction and create congestion.
- 2.4.13 Economic growth aspirations in the surrounding environment include:
- Approximately 24,000 houses that are proposed in the Coventry area and up to 75,000 new homes and 94,500 jobs in Coventry and Warwickshire combined by 2031. There is a large area of allocated development land adjacent to the west of the A46 from the existing Walsgrave roundabout (north of Binley junction). This is referred to as Housing Allocation H2:3 in Coventry City Council Local Plan (Appendix 1, H.03) and is expected to

deliver approximately 900 dwellings through future development proposals in the period to 2031;

- Prologis Ryton Sites A and B;
- Coventry University Technology Park;
- Friargate, a 30-hectare mixed use regeneration project in Coventry city centre; Ansty Park, a partially built high profile prestige business park site for Coventry and Warwickshire; and
- Whitley South, an extension of Jaguar Land Rover's existing site west of the Tollbar End junction and approximately 0.7 miles (1.1km) south of the proposed scheme.

2.4.14 Improvements at A45/A46 Tollbar (Tollbar End junction) to grade separate the A46 (N) to A45 (W) link are complete and there is a commitment to convert part of the M6 between junctions 2 and 4 into a Smart Motorway with construction having commenced in March 2018. Both of these improvements will have a significant traffic impact, which will affect the A46 and further increase pressure on Binley junction.

2.4.15 There are also concerns that without further investment to increase capacity on the A46, the benefits derived from the improvement works at Tollbar End junction would be limited. In particular, the Binley junction around Coventry could undermine the existing investment being made on A46 improvements.

2.5 Objectives of the Project

2.5.1 In line with the National Policy Statement for National Networks (NPSNN) and the overarching objectives of DfT RIS, the objectives of the project are to:

- **Improve Safety** - through reducing driver stress by separating local traffic from long-distance and business traffic, and by providing safe access for Non-Motorised Users to cross the A46;
- **Support the growing economy** - by providing additional junction capacity in an area that is currently busy, surrounded by industrial business units and is forecasted to become busier in the coming years as traffic increases;
- **Support the smooth flow of traffic** - by enabling traffic to flow more freely, which in turn will improve journey time reliability, and make life easier and safer for businesses, commuters and local traffic;
- **Relieve congestion** - as current levels are having a serious effect on communities and businesses and could constrain future development in the area.

3 Environmental Assessment of the Project

3.1 Introduction

3.1.1 An EIA Screening Determination was completed for Binley junction in January 2018, following completion of quantitative noise and air quality modelling. It concluded that likely significant effects are not anticipated, and hence a statutory EIA is not required. An Environmental Assessment Report (EAR) has therefore been prepared as a non-statutory environmental assessment report to present the findings of the assessment process. The EAR report has been updated in Autumn 2019 to reflect any changes in legislation, policy, guidance or baseline conditions since the EAR was originally prepared in May 2018. A copy of the Environmental Assessment Report is included in the appendices (Appendix 1, B.01).

3.1.2 Following the update to the traffic model, and re-assessment of noise and air quality impacts HE SES confirmed on 7th January 2020 that re-screening of the EIA was not required.

3.1.3 The following environmental topics have been assessed as part of the EAR:

- Air Quality;
- Cultural Heritage;
- Landscape;
- Biodiversity;
- Geology and Soils;
- Materials and Waste;
- Noise and Vibration;
- People and Communities;
- Road Drainage and the Water Environment; and
- Climate.

3.1.4 The EAR has been undertaken by a team of specialists working in collaboration with the design engineers responsible for the preliminary design of the project. This has maximised the opportunity to avoid or reduce environmental effects and to identify the most effective mitigation for those effects that cannot be avoided.

3.1.5 The Project has been designed to avoid key environmental constraints as much as possible.

3.1.6 The engineering and environmental designs will continue to be developed and will seek further opportunities to avoid or reduce residual environmental impacts.

3.2 Summary of Environmental Assessment

3.3 Air Quality

3.3.1 Roads that are expected to be affected by the project due to changes in traffic flows, traffic speeds or road alignment were identified because air quality could be affected near these roads. Some of these affected routes within the study area pass through Coventry County Council's city-wide Air Quality Management Area, declared for nitrogen dioxide (NO₂). Measured concentrations of NO₂ on these roads were predominantly found to have been within the national air quality criteria during recent years, except for one (A4082 Allard Way); however, there are few properties within a 200m study area of this road.

- 3.3.2 The air quality assessment considered the impacts of the project during construction and operation. Construction activities have the potential to give rise to adverse impacts from fugitive emissions of dust due to the construction of the Scheme. There are a number of residential and commercial properties within 200m of the construction works that could be affected, so mitigation measures have been identified and included in the Environmental Management Plan and will be implemented during construction to reduce dust emissions. There will also be a small increase in the number of HGV movements during construction and traffic management measures will be implemented near the junction. During construction there are not expected to be any significant effects with the implementation of suitable mitigation measures.
- 3.3.3 The Scheme aims to provide improvements to traffic congestion along this corridor. Changes in the layout of the junction may change the distance between sensitive receptors and road traffic along with changes to the traffic flows and speeds through the junction. A total of 79 representative sensitive human receptors along the affected road network have been selected and have been subject to location-specific modelling for the local operational air quality assessment. Impacts on statutory designated sites adjacent to the Scheme, Herald Way Marsh Site of Special Scientific Interest (SSSI) and Combe Pool SSSI, have also been assessed.
- 3.3.4 During operation, no representative locations would be affected by potentially significant changes in NO₂ or PM₁₀ (particulate matter 10 micrometers or less in diameter) with the Scheme and the Scheme is not considered to have a significant effect on the SSSIs. Air quality is expected to be within the air quality criteria set to protect human health near the roads that are expected to be affected by the Scheme, both with and without the Scheme in operation.

3.4 Noise and vibration

- 3.4.1 There are a number of sensitive receptors in proximity to the project including residential dwellings to the north-west of Binley junction and east of the A46. The flyover allows A46 traffic to flow freely through the junction, which is predicted to lead to an increase in noise levels at some receptors. Permanent significant adverse effects are avoided through the design of the horizontal and vertical alignment of the project, the use of low noise surfacing, the inclusion of a noise barrier along the north-western section of the project and the provision of a solid infill parapet environmental barrier on the flyover.
- 3.4.2 Industry best practice as well as other measures including selection of quieter machinery, changes in working practices, installation of mobile noise screening and use of non-vibratory rollers which as well as undertaking regular inspections to monitor noise levels will be employed during construction to minimise temporary adverse effects and avoid significant effects.
- 3.4.3 Following the implementation of design and mitigation measures through the Environmental Management Plan, no significant effects are predicted from noise and vibration.

3.5 Biodiversity

- 3.5.1 There are no international designated sites within proximity to the project. There are seven national or local statutory designated sites, comprising of (SSSIs) and Local Nature Reserves (LNRs) and 63 non-statutory designated sites, comprising Local Wildlife Sites (LWS) and Ecosites, of which some are Ancient Woodlands, within the 2km study area. To the north-east of Binley junction is Coombe Country Park and Combe Pools SSSI, designated for its ornithological interest; and to the south-west is Herald Way Marsh (Claybrookes Marsh) SSSI and LNR, designated for its range of wetland habitats and assemblage of invertebrates. The Project avoids land take and

direct impacts (habitat loss) on all statutory and non-statutory designated sites, and ancient woodlands.

- 3.5.2 The landscape within and surrounding the project comprises various semi-natural and man-made habitats. The Project area itself comprises the A46 road, with associated road verges, hedgerows, woodland, amenity grassland and arable farmland. It is predominantly urban to the west of the project, with a mixture of arable, field drains, woodland and recreational land to the east.
- 3.5.3 No notable or legally protected species have been recorded within the project boundary. However, there is suitable habitat to support (or potentially support) reptiles, nesting birds, hedgehogs, badger, foraging and commuting bats and polecat. Moth species which were considered extinct in Warwickshire were found in Piles Coppice in 2018.
- 3.5.4 The biodiversity assessment considered the impacts of the project during construction and operation. During construction, the assessment concluded there will be no significant effects. There will be no significant effects on Combe Pool SSSI, Herald Way Marsh SSSI, non-statutory designated sites (including Piles Coppice LWS / Ecosite / ancient woodland and Binley Common Farm Wood potential LWS / ancient woodland located adjacent to the project), or any notable and legally protected species due to the mitigation measures incorporated into the Project. Habitat lost will be replaced to ensure continuity of green infrastructure along the route. However, it is acknowledged that there would be a slight significant effect at the local level on loss of woodland habitat in the short to medium term until replacement habitat establishes in the long term.
- 3.5.5 During operation, once habitats are established, the project is likely to have beneficial effects on habitats given the potential enhancement measures proposed, particularly for woodland, grassland and hedgerows. Given the presence of the existing road, and no change in severance or fragmentation of habitats present, there will be no significant effect on protected or notable species.

3.6 Road drainage and the water environment

- 3.6.1 The key water environment features for the project include the River Sowe which is a tributary to the Upper Avon (Main river); Smite Brook; a tributary of the River Avon (Claycoton Yelvertoft Brook to River Sowe); Brandon Wood Brook, and Birchley Wood Brook. The Smite Brook is at potential risk of fluvial flooding associated with flood risk. The groundwater within the study area is contained within the Warwickshire Avon – Secondary Mudrocks Water Framework Directive groundwater body.
- 3.6.2 The assessment has considered the effects of the project during construction and operation. There is the potential for an increase in runoff due to an increase in the hardstanding area to outfall into flood zones 2 and 3 (located to the north west surrounding Smite Brook and north east surrounding Combe Pool) requiring mitigation through the road drainage design. The majority of the site is located within Flood Zone 1. A small area of the redline boundary at the northern edge of the site boundary is in flood zones 2 and 3.
- 3.6.3 During construction there will be no significant effects with the implementation of mitigation measures on surface water, Water Framework Directive compliance, groundwater or fluvial or surface water flood risk or on the water dependent ecologically sensitive sites.
- 3.6.4 The drainage designs indicate that the project will include changes to five existing outfalls. With implementation of mitigation included in the drainage design, including use of attenuation ponds and filter drains, no significant adverse effects are predicted during operation.
- 3.6.5 With mitigation measures implemented there will be no significant effects on groundwater, flood risk or Water Framework Directive compliance.

3.7 Landscape and Visual

- 3.7.1 A Registered Park and Garden at Coombe Abbey (Grade II*) lies approximately 0.75 miles (1.2km) to the north of the Binley junction. Brandon Woods and Piles Coppice, woodlands located adjacent to the project, are allocated Tree Preservation Orders. To the east of the Scheme, the visual amenity is formed of arable farmland, whilst to the west the visual amenity is dominated by urban features.
- 3.7.2 The main effects of the project are the increased awareness of the A46 corridor due to raising the carriageway; loss of existing vegetation that currently provides visual screening within the existing highway boundary; clearance of the majority of existing vegetation and the broadening of the A46 corridor footprint. No significant effects are identified on the landscape character areas within and surrounding the project. No significant visual effects are predicted during construction as impacts will be temporary during the construction period.
- 3.7.3 During operation, new woodland and tree and shrub planting along the route corridor will filter views from adjacent sensitive visual receptors and integrate the project into the existing landscape features.

3.8 Geology and soils

- 3.8.1 A number of potentially contaminated sites have been identified within the project boundary, including two areas of made ground and four landfill areas. However, during construction there will be no significant effects on geology and soils with the implementation of suitable design and mitigation measures. An earthworks strategy will be prepared prior to construction to detail the approach to earthworks and excavations and also provide details on the inspection and discovery strategy for contamination.
- 3.8.2 During operation it is unlikely that new pathways will be created, however there is the potential for environmental risks associated with spillages due to road accidents or faulty vehicles. To mitigate the impacts on controlled waters during operation, the highway drainage system incorporates appropriate measures to minimise impacts associated with accidents and spillages.
- 3.8.3 With adherence to appropriate construction and operational practices that accord with legal compliance and best practice guidance when working with or around contaminated materials, effects associated with soils and geology are predicted to be not significant.

3.9 Cultural heritage

- 3.9.1 Within the 300m study area there are 23 non-designated assets, one listed building (Grade II listed Cocked Hat Hotel and Restaurant) and one registered park and garden. The grounds of Coombe Abbey are designated as a Grade II* Registered Park and Garden, and Coombe Abbey Conservation Area is located within the eastern extents of the study area. Both contain a number of listed buildings beyond the 300m study area. The setting of three nearby heritage features including Coombe Abbey Registered Park and Garden, Coombe Abbey Conservation Area and the Cocked Hat Restaurant and Hotel will be affected during construction, however the impacts are expected to be minor and not significant.
- 3.9.2 Archaeological records indicate the earliest activity is Roman in date, comprising two records located to the south-west of the Binley junction, in close proximity to the edge of the carriageway. There are two areas of managed woodland located adjacent to the current A46 which are early medieval in date. A total of 16 previous archaeological investigations (events) have also been recorded, largely associated with the construction of the existing A46.
- 3.9.3 During construction there is a potential for encountering unknown heritage assets and buried archaeological remains during construction works including earthworks

operations, other environmental mitigation and creation of site compounds. The construction phase of the project is considered to have the potential to impact upon seven archaeological sites. However, none of these impacts are significant.

- 3.9.4 Medieval and post-medieval landscape use is recorded on both sides of the Binley junction. The stripping of these areas for use as permanent drainage ponds at these locations have the potential to physically impact on any near-surface archaeological remains and earthworks. Potential impacts will be mitigated through archaeological monitoring of any intrusive groundworks within the study area, and the preservation by record of any remains identified.
- 3.9.5 It is not considered that any archaeological sites or historic buildings will be impacted during the operation of the route.
- 3.9.6 Consideration and design measures have been incorporated into the project where possible to mitigate potential impact from temporary works.

3.10 Materials and waste

- 3.10.1 No significant effects are predicted during construction with the implementation of mitigation measures to be outlined in a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan. The CEMP will include targets for waste recovery and the use of alternative aggregates. Where possible excavated materials will be reused.
- 3.10.2 No significant effects are predicted during operation. Wastes arising from maintenance activities are expected to be generally the same (in both type and quantity) to that generated by the existing road; and the wastes will be managed using the established procedures and facilities that are used across the strategic highways network.

3.11 People and communities

- 3.11.1 During construction, the change in view for drivers is predicted to result in a large adverse impact, however given the temporary nature of the construction phase, this is not anticipated to be a significant effect. During operation there is expected to be a slight adverse impact on driver views, which is not considered to be significant.
- 3.11.2 During construction, driver stress is expected to be adversely impacted temporarily as a result of the construction work. The Project aims to make the network safer and create more free flowing conditions. This is expected to reduce driver stress and will have a moderate beneficial effect during operation, which is considered to be significant.
- 3.11.3 The Piles Coppice Public Right of Way will be temporarily closed,
- 3.11.4 For any Public Rights of Way that require temporary closure, pedestrian diversion routes will be in place and well-advertised in advance resulting in a slight adverse effect for walkers, cyclists and equestrians using the Public Right of Way. Additionally, during construction a temporary crossing south of Binley junction, adjacent to the existing crossing will be provided to maintain access for walkers and cyclists. Once the project is operational, connectivity for walker and cyclists across the Binley roundabout will be enhanced through the provision of new crossings resulting in a slight beneficial effect.
- 3.11.5 The proposed project will have a limited impact on local private assets during both the construction and operational phases due to temporary and permanent land take. This is not expected to materially impact on the operation of these assets and will therefore result in a slight adverse effect during construction and operation which is not significant.
- 3.11.6 Once the proposed scheme is operational there is expected to be some positive health impacts due to reduced congestion and improved infrastructure for walkers and cyclists.

3.12 Climate

- 3.12.1 The climate chapter assessed the effects of the project on climate and the vulnerability of the project to climate change.
- 3.12.2 The assessment concludes that the greenhouse gas impact of the project would not have a material impact on the Government meeting its carbon reduction targets, both during construction and operation.
- 3.12.3 No significant climate vulnerability effects are predicted to occur during construction or operation of the route.

4 Traffic and Economic Assessment of the Scheme

4.1 Introduction

4.1.1 The assessment of traffic impacts of the A46 Coventry Junctions Upgrade Scheme has been undertaken using a strategic transport model developed specifically for this study.

4.1.2 The following reports which set out the model development and outline the approaches, are included in Appendix 1:

- Transport Data Package – Traffic data collated and used in the development of the traffic models (Appendix 1, I.02)
- Transport Model Package – development of the base year traffic models (Appendix 1, I.03)

4.1.3 The following reports setting out the findings will be presented with the Proofs of Evidence:

- Transport Forecasting Package – future year forecasts and impacts of the Scheme
- Transport Economics Package – economic assessment of the Scheme

4.2 The Traffic Model

4.2.1 The Coventry Strategic Traffic Model (CoSTM) was developed to provide traffic forecasts and scheme appraisal to support the progression of both the Binley project to Stage 4 and beyond and to test and develop options for the Walsgrave project.

4.2.2 CoSTM is a highways assignment traffic model utilising SATURN software, which is a recognised industry standard for assessing highways schemes.

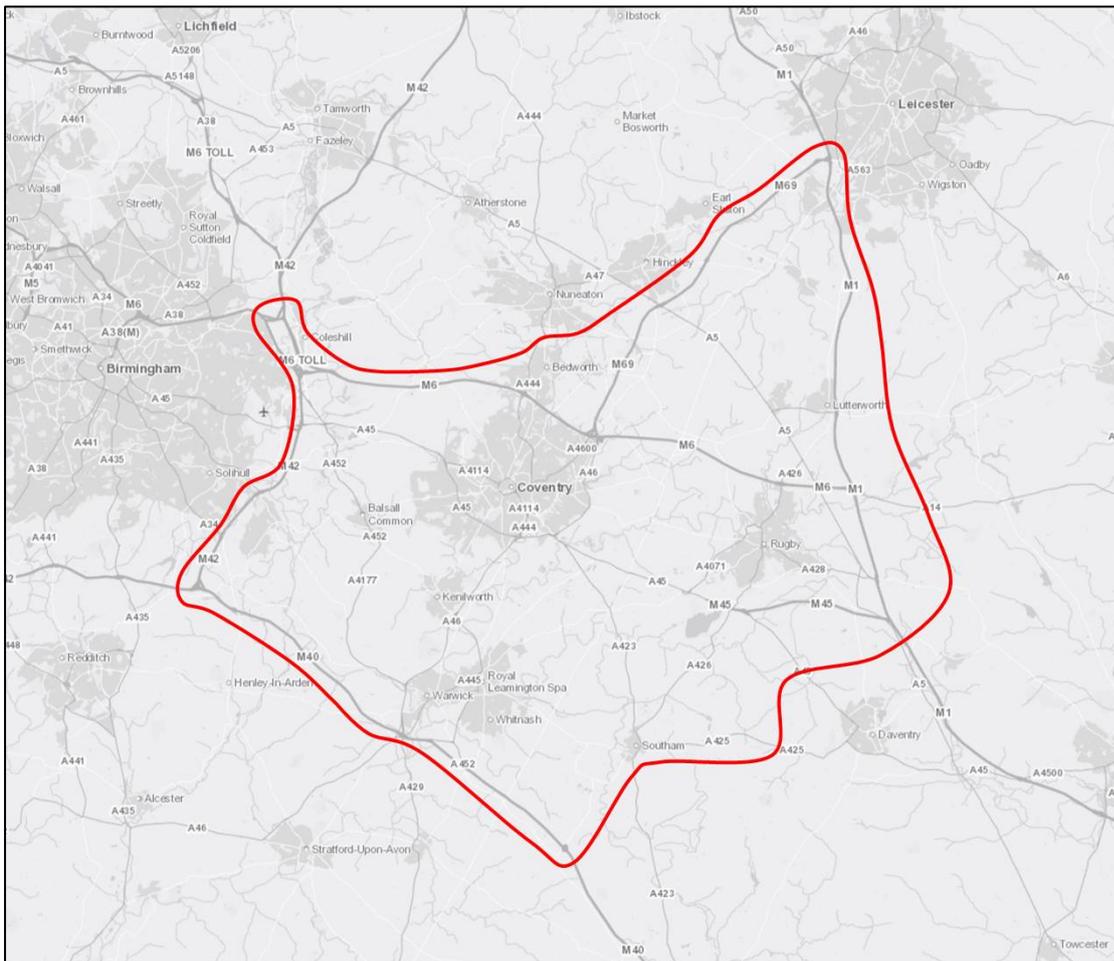
4.2.3 The CoSTM was developed from the Midlands Regional Transport Model (MRTM). The MRTM is one of the 5 regional models commissioned by Highways England (HE) covering England and is validated to a March 2015 Base Year. The MRTM provided the building block for the development of a detailed local model that focussed on the area likely to be impacted by the Scheme.

4.2.4 The CoSTM was developed and validated to an Autumn (September-November) 2018 Base Year. This is a neutral period post opening of the Tollbar End junction improvement (A45/A46).

4.2.5 The Area of Influence (AoI) is the area within which significant changes in flow and speed may be expected that are due to the A46 Scheme. The extent of the traffic model and level of coding detail allows for the accurate representation of existing and forecast traffic flows in the AoI of the Scheme, including all such potential diversions as a result of the Scheme.

4.2.6 The boundary of the model study area described above is illustrated in Figure 3 below.

Figure 3 - Area of Detailed Modelling (AoDM)



4.2.7 There are three modelled time periods as follows:

- AM Peak – 07:00 to 09:00
- PM Peak – 16:00 to 18:00
- Inter Peak – 09:00 to 16:00.

4.2.8 The CoSTM was validated and calibrated with reference to Department for Transport (DfT) TAG guidance. This measures the extent to which modelled traffic flows and journey times reproduce observed data. Further details are set out in Section 8 of the Local model Validation Report that forms part of the Transport Model Package.

4.2.9 The model validation demonstrated that that the CoSTM was suitable for developing traffic forecasts to inform economic, environmental and operational appraisal of the Scheme for upgrading the A46 Coventry Junctions at Binley and Walsgrave.

4.3 Forecast Traffic Flows

4.3.1 The Scheme has been phased as two separate projects, aiming to deliver Binley ahead of the upgrade to Walsgrave. Traffic forecasts were prepared for the following scenarios:

- I. Do Minimum; without proposed projects at Binley and Walsgrave junctions
- II. Do-Something; including both Binley and Walsgrave project upgrades.

- 4.3.2 At this stage in the design process, there are a number of possible options being considered for the Walsgrave junction upgrade. For the purposes of assessing the impacts of an A46 Scheme (Do Something), a design for Walsgrave junction with conversion of the existing roundabout to a left-in, left-out junction was adopted. Whilst the final design of Walsgrave junction will be subject to change, model testing has indicated that provided conflicting traffic movements are removed from the A46, the choice of option at Walsgrave junction does not materially affect the performance of the A46 mainline or Binley junction.
- 4.3.3 Traffic forecasts will be required for a total of 5 future years as detailed in Table 2. At this stage, the Do Minimum has been modelled for 3 future years - 2021, 2036 and 2051. The Do Something scenario has been modelled for 2 future years - 2036 and 2051.
- 4.3.4 It is noted that since the Walsgrave upgrade would not be built until after completion of the Binley upgrade, Walsgrave is not included in 2021 model.
- 4.3.5 It is the intention that forecasts will be prepared for 2026 and 2041 once the final design for the Walsgrave project has been confirmed.

Table 2: Forecast Years

Forecast Year	Description
2021	Earliest likely opening year for the Binley junction upgrade based on the programme
2026	Earliest likely opening year for Walsgrave project based on the programme. (Forecasts not yet prepared)
2036	Binley project design year (15 years after opening) Justification: DMRB guidance and required for environmental appraisal
2041	Anticipated Walsgrave project design year (15 years after opening) Justification: DMRB guidance and required for environmental appraisal. (Forecasts not yet prepared)
2051	Additional forecast year for economic appraisal Justification: Reducing uncertainty in extrapolation of scheme impacts between the design year and the end of the 60-year appraisal period

- 4.3.6 For the purpose of this Statement of Case, forecasts are presented for 2021, representing the opening year of the Binley project, and for 2036 the design year for Binley. The 2021 forecasts show the changes in flows resulting from the Binley project only, whereas the 2036 forecasts show the traffic changes resulting from the combined projects. The traffic flows for the remaining forecast years will be presented in the Forecasting Report with the Proofs of Evidence. Whilst the current construction programme (see paragraph 7.11.1) is showing the Project opened to traffic in 2022, the difference from the end of 2021 is less than one quarter, so not considered materially different.
- 4.3.7 Figure 4 and Figure 5 show the 2021 AM and PM peak hour traffic flows (Veh/hr) on the A46 Coventry Bypass and adjacent roads A428 and B4082 with and without the project at Binley.
- 4.3.8 It is noted that the traffic model takes into account traffic re-routeing based upon predicted changes in journey times resulting from the Scheme and costs.

Figure 4 - 2021 AM Flow (All vehicles – Vehs/hr)

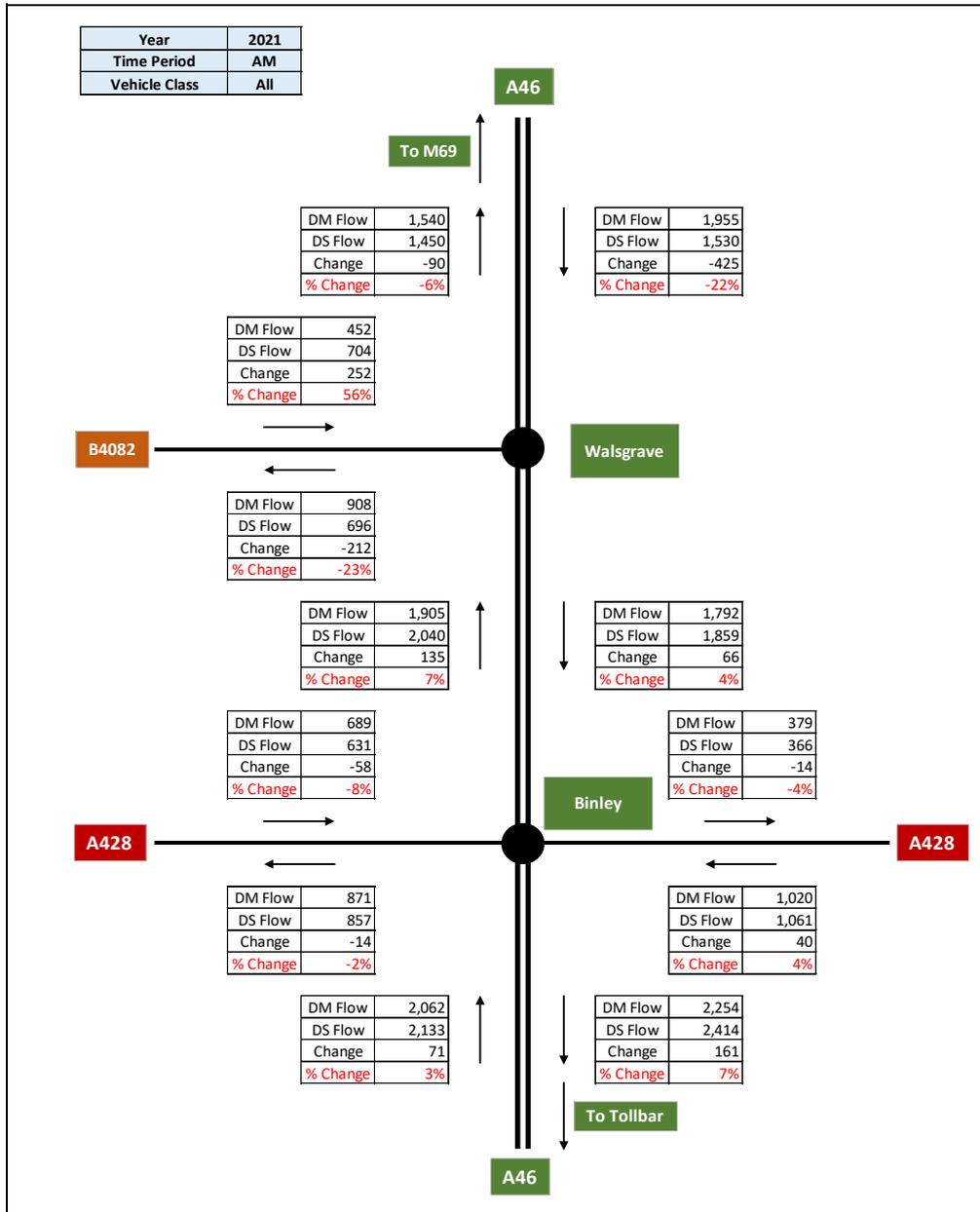
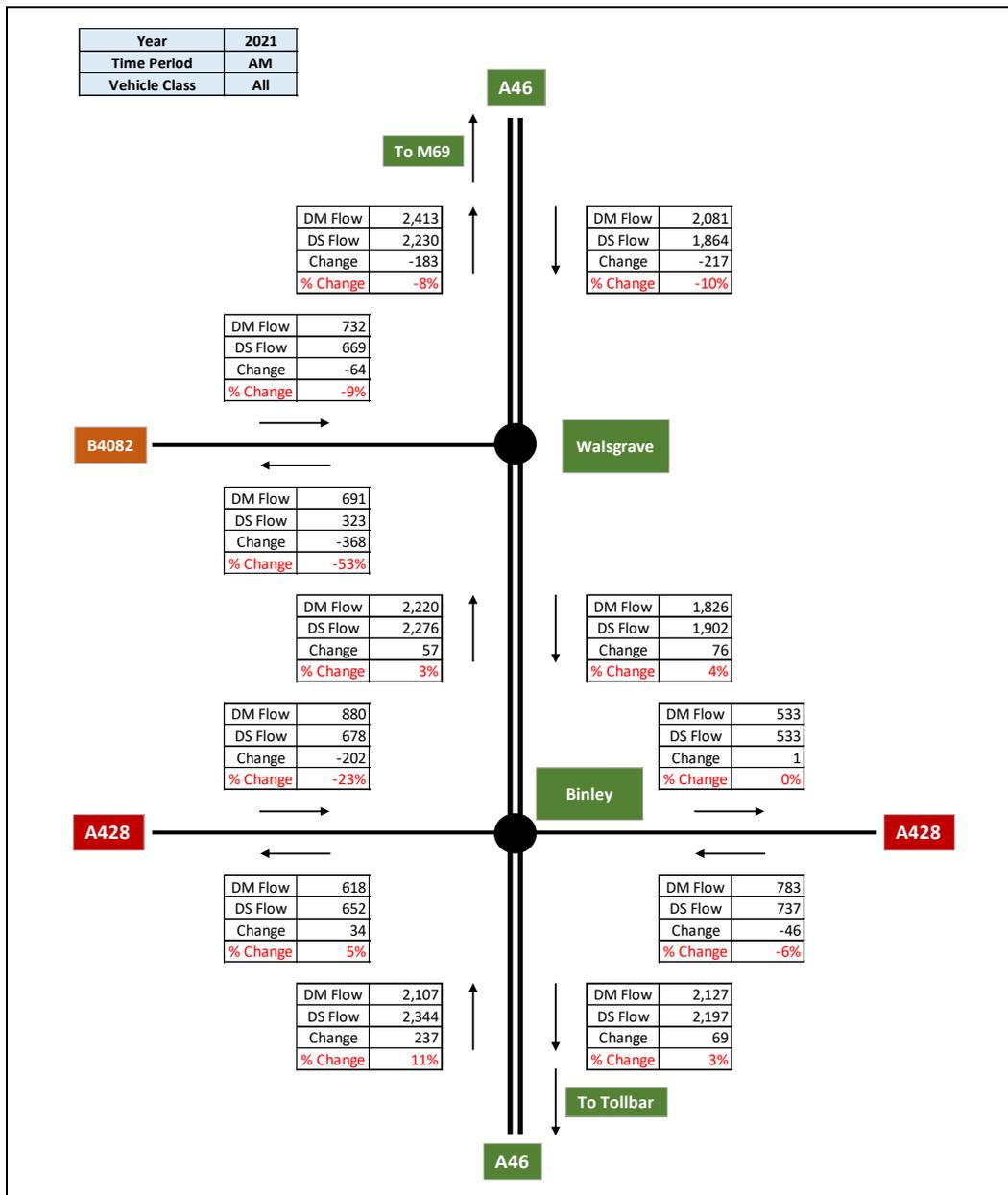


Figure 5 - 2021 PM Flow (All vehicles – Vehs/hr)



4.3.9 The 2021 forecasts show the impact of the Binley project and demonstrate that:

- Mainline traffic flows on the A46 Coventry Bypass between Tollbar End and Walsgrave junction are predicted to increase. In AM, this ranges between 3 to 7% in the northbound direction and between 4 and 7% southbound. In the PM, northbound flows increase 3 and 11% and between 3 and 4% southbound.
- Mainline traffic flows on the A46 between the Walsgrave junction and M69 are predicted to decrease. AM southbound flows decrease by approximately 21% with a 6% decrease in the northbound flows. In the PM peak flows northbound flows decrease by 8% and by 10% southbound.

4.3.10 The large decrease in the southbound flow on the A46 between M69 and Walsgrave can be attributed to delays at Walsgrave junction, which is caused by an increase in traffic approaching the roundabout on the B4082 from Coventry in the AM.

- 4.3.11 The decrease in northbound traffic on the A46 between Walsgrave and M69 can be attributed to traffic diverting on to local roads. This is a result of an increase in traffic accessing the A46 at Walsgrave from the B4082 and causing an increase in delays for left turn movements and a re-routeing away from the junction and the A46 northbound.
- 4.3.12 There is also a decrease in westbound flows travelling towards Coventry on the B4082 from Walsgrave ranging between 23% in the AM and 53% in the PM. The reduction in traffic using the B4082 can be attributed to improved conditions at Binley junction, which results in a transfer of traffic to the A46 from local routes west of A46, including Clifford Bridge Road.
- 4.3.13 Figure 6 and Figure 7 below show the forecast AM and PM peak hour traffic flows for 2036 on the A46 Coventry Bypass and adjacent roads A428 and B4082. In addition to the Binley scheme, the 2036 Do Something flows assume the Walsgrave junction is replaced by a free flow arrangement that includes an off/on slip between B4082 and A46 Northbound.

Figure 6 - 2036 AM Flow (All vehicles – Vehs/hr)

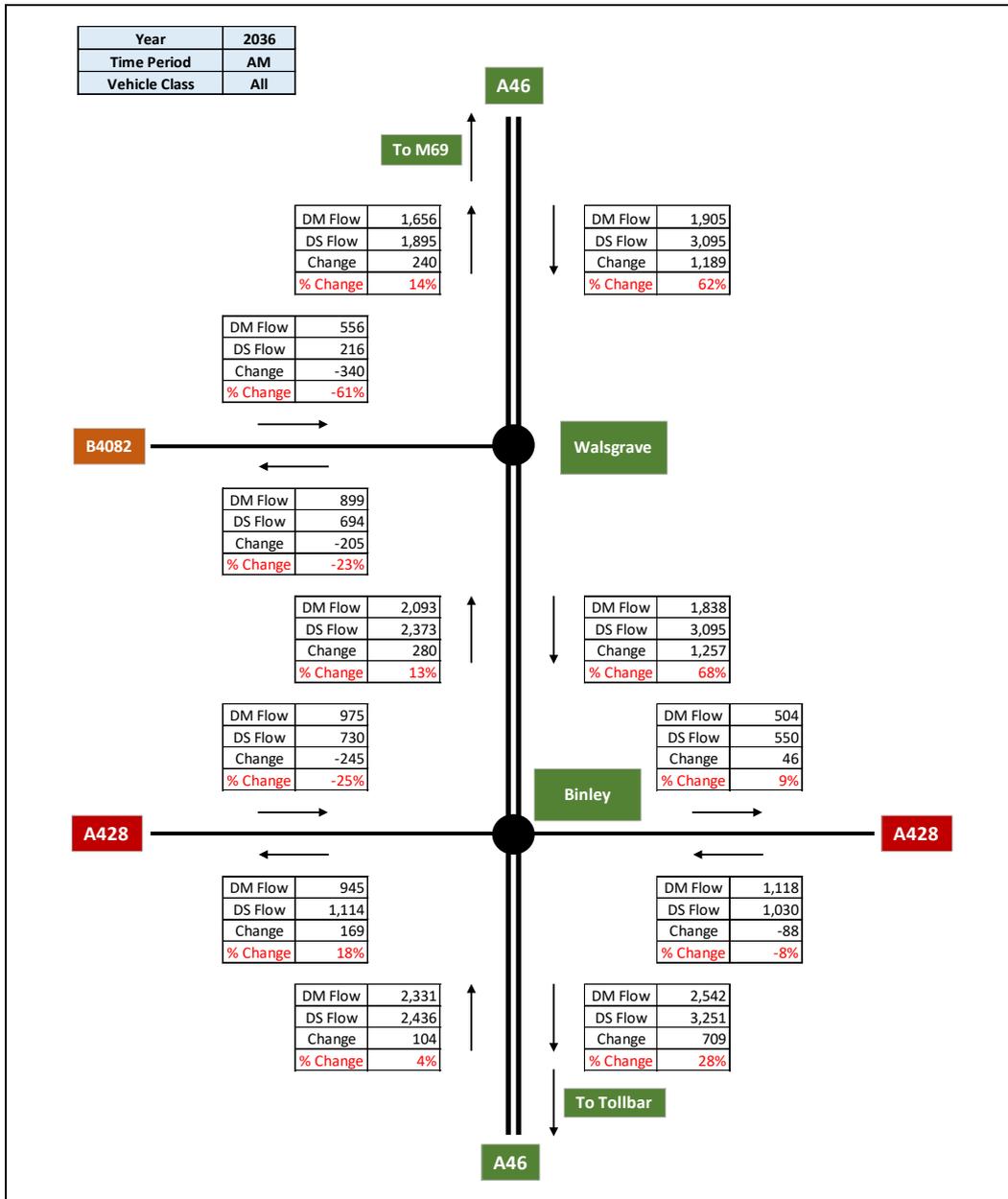
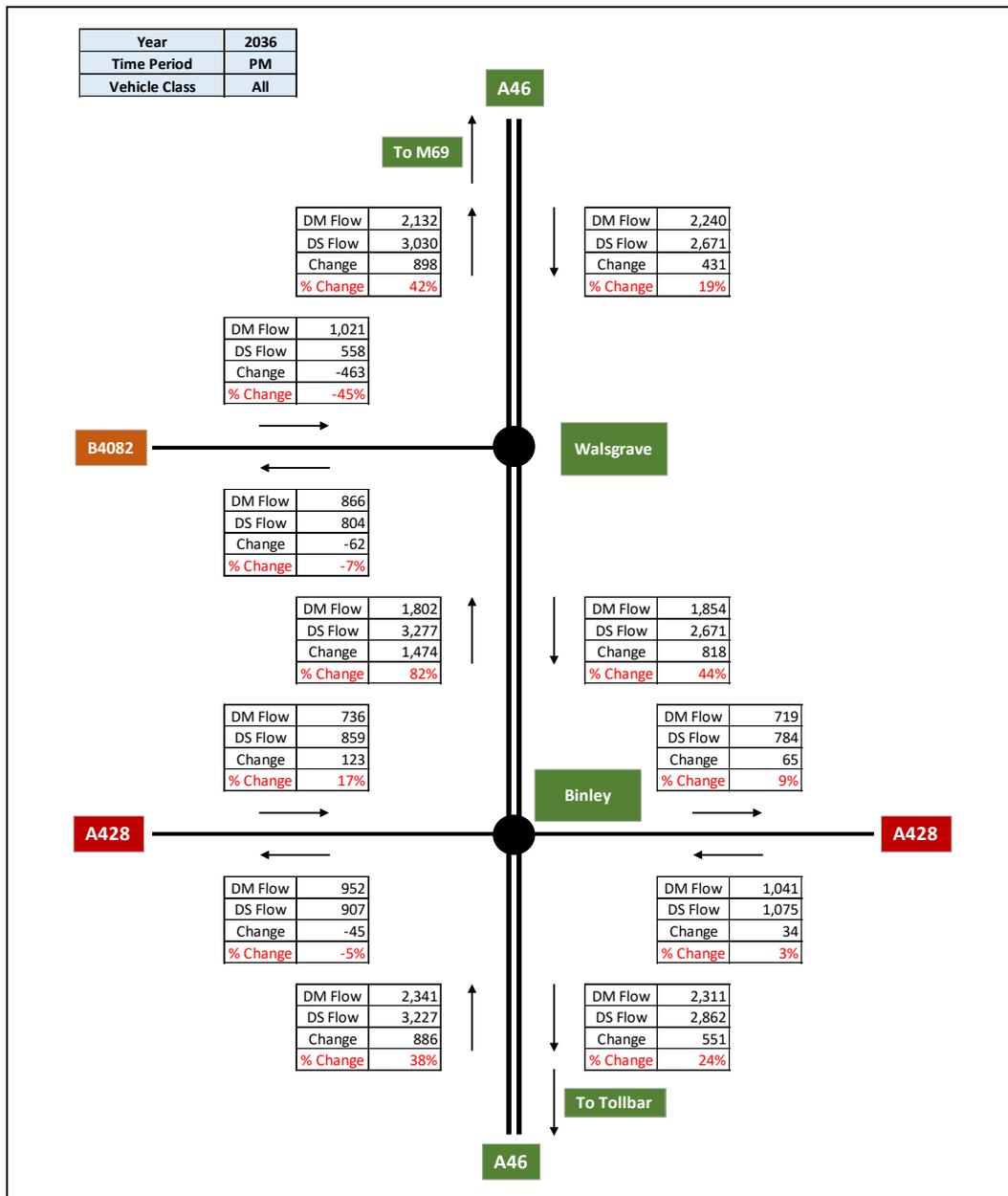


Figure 7 - 2036 PM Flow (All vehicles – Vehs/hr)



4.3.14 The 2036 forecasts demonstrate that compared against the Do Minimum, improvements from the projects at both Binley and Walsgrave result in:

- Significant increases in southbound flows on the A46 between M69 and Tollbar End in the AM peak ranging between 62 to 68% north of Binley and 28% south of Binley.
- Modest increases in northbound AM peak flows between Tollbar End and M69 of between 4 and 14%.
- Significant increases on northbound flows on the A46 between the Tollbar End and M69 in the PM peak ranging between 38% south of Binley, 83% between Binley and Walsgrave and 42% north of Walsgrave.

- Increases in southbound PM peak flows between M69 and Tollbar End ranging between 19% north of Walsgrave, 44% between Walsgrave and Binley and 24% south of Binley.

4.3.15 The increase in traffic on the A46 is a result of the increased capacity and removal of congestion at Binley and Walsgrave.

4.3.16 There are significant reductions in flows on the B4082 to the west of Walsgrave junction in both AM and PM. This can be attributed to the project at Walsgrave junction whereby access between B4082 and A46 is restricted to movements between B4082 and A46 Northbound only.

4.3.17 The restricted access at Walsgrave also results in traffic transferring to the A428 from the B4082. Westbound traffic (travelling towards Coventry) increases on the A428 west of Binley junction in the AM by approximately 17% and eastbound traffic (travelling out of Coventry) also increases by approximately 17% in the PM.

4.4 Journey Time Savings

4.4.1 Table 3 and

4.4.2 Table 4 present a summary of modelled journey times on the A46 between the M69 /A46 junction merge and the Tollbar End junction approach (northbound and southbound) for the Do-Minimum and the Do-Something scenarios. The route is shown Figure 8 below.

Figure 8 - Journey Time Route

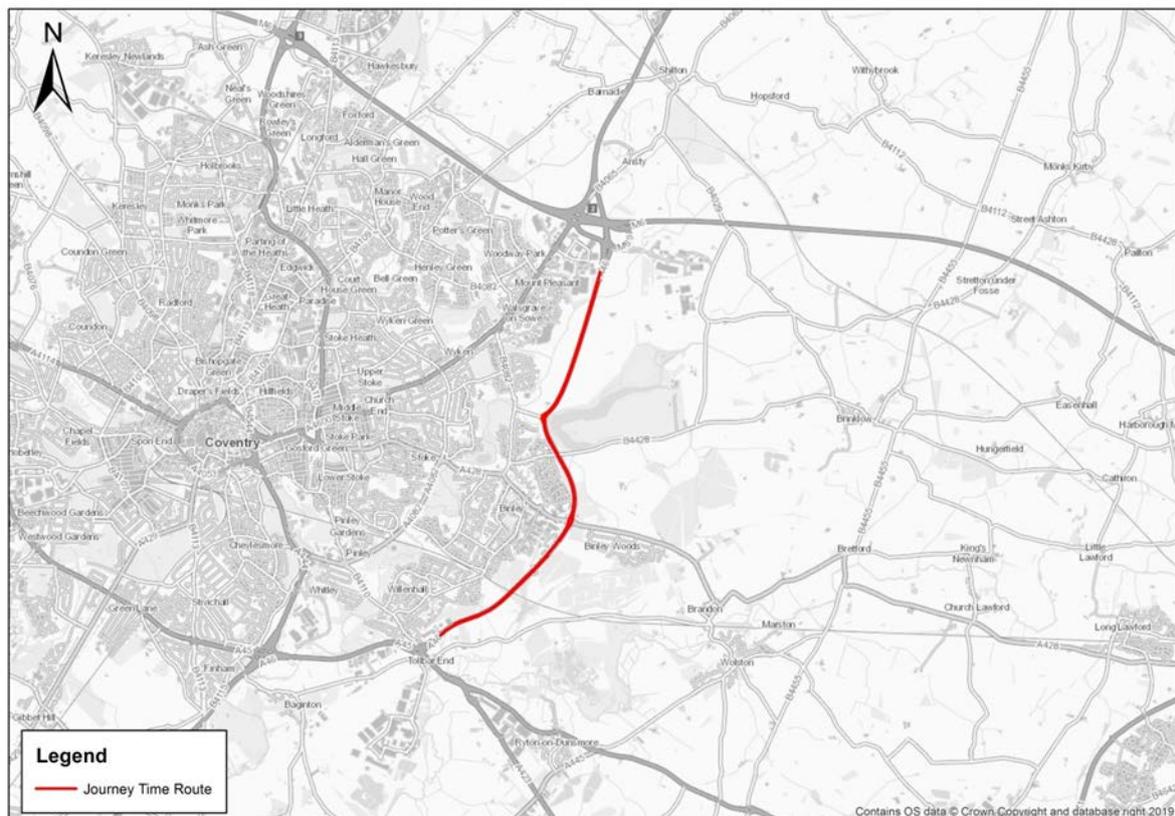


Table 3: 2021 Journey Time Comparison (Minutes)

	Northbound			Southbound		
	Do Min	Do Something	%Diff	Do Min	Do Something	%Diff
AM	05:48	05:06	-12%	11:13	11:27	2%
IP	05:40	05:24	-5%	06:09	06:02	-2%
PM	09:04	08:36	-5%	07:38	07:58	4%

Table 4: 2036 Journey Time Comparison (Minutes)

	Northbound			Southbound		
	Do Min	Do Something	%Diff	Do Min	Do Something	%Diff
AM	06:03	05:16	-13%	13:32	09:08	-33%
IP	06:19	05:29	-13%	08:24	05:49	-31%
PM	12:37	07:50	-38%	08:40	06:03	-30%

4.4.3 Table 3 shows there are modest journey times savings on the A46 in the northbound direction in 2021 with implementation of the Binley project. Southbound journey times increase marginally in both AM and PM in 2021. This can be attributed to an increase in delays at the A46 southbound approach of the Walsgrave junction. This is a result of traffic approaching the Walsgrave roundabout from Coventry City centre, which takes priority.

4.4.4

4.4.5 Table 4 shows there are significant savings in journey times on the A46 in both directions of travel, in 2036. The journey time reductions are due to the reduction in congestion as a result of the upgrade at Walsgrave junction.

4.5 Summary of Traffic Impacts

4.5.1 The 2021 forecasts demonstrate that the project at Binley junction would lead to a modest increase in the mainline traffic flows on the A46 in both directions. These are most significant on the sections between Walsgrave and Tollbar End junctions in 2021 and the M69 and Tollbar End junctions by 2036.

4.5.2 The 2036 forecasts demonstrate that an A46 Scheme with upgrades at Binley and Walsgrave, there would be further increases on the A46.

4.5.3 Journey times on the corridor between the M69 and the Tollbar End junctions would improve marginally for northbound traffic and worsen for southbound traffic upon completion of the Binley project in 2021. By 2036, the A46 Scheme comprising upgrades at Binley and Walsgrave would result in significant reductions in journey times on the A46 for both northbound and southbound traffic.

4.6 Economic Appraisal of the Scheme

4.6.1 The economic assessment compares the monetised costs and benefits of the Scheme (the Do Something) with the Do Minimum. The Do Something includes both projects at Binley and Walsgrave that form the A46 Coventry Junctions Upgrade scheme.

4.6.2 The overall approaches and results will be in the Transport Economics Package presented with the Proofs of Evidence. The key elements of the appraisal are outlined below.

I. Transport Efficiency (TEE) Benefits

The TEE benefits arise from changes in journey times and vehicle operating costs and were assessed using the Department for Transport's (DfT) Transport User Benefit Analysis program (TUBA).

TUBA calculates the benefits from savings in travel times and vehicle operating costs from the Scheme compared against the Do Minimum and applies monetised values to these savings. Benefits are accrued for a period of 60 years and discounted to a 2010 Present Year in accordance with DfT TAG Guidance.

II. Accidents

The appraisal of accident savings due to the Scheme was undertaken using COBA-LT software. The COBA-LT assessment provides an analysis of the change in accidents from a highway scheme. The savings in accidents are monetised and included in the Benefit to Cost Ratio (BCR) calculation.

III. Environmental Impacts

The impacts of the Binley project on greenhouse gas emissions, local air quality and noise were assessed using the traffic flow and speed data taken from the traffic model. The benefits were calculated in line with the DfT's TAG guidance.

IV. Reliability and Wider Economic Impacts

Supplementary assessments have been undertaken to consider journey time reliability benefits and wider economic impacts. These have been carried out in line with relevant TAG guidance.

V. Costs

Scheme costs have been adjusted to 2010 values and prices to be consistent with the economic benefits forecasts for the Scheme.

4.7 Value for Money Assessment

4.7.1 The value for money assessment of the Scheme was undertaken with reference to the Value for Money Framework and Supplementary Guidance published by the DfT in 2017. This sets out a process to assign a Value for Money Category by considering all costs and benefits as identified above.

4.7.2 The first stage of the assessment involves calculating an initial Benefit to Cost Ratio (BCR) and is derived by dividing the Present Value of Benefits (PVB) by the Present Value of Costs (PVC).

4.7.3 The initial value of BCR includes transport user benefits, accident savings, greenhouse gas reductions and indirect taxation impacts, and the monetary benefits for noise and air quality.

4.7.4 The calculation of the initial BCR is set out in Table 5 below.

Table 5: Initial BCR

	Costs and Benefits	2010 Prices discounted to 2010 (£M)
Benefits	Journey time savings	254.095
	Vehicle operating costs	-16.311
	Tolls (User Charges)	1.087
	Tolls (Private Sector Revenue)	-0.452
	Delays During Construction	-9.112*
	Total Economic Efficiency Benefits	229.307
	Accident Benefits	-14.977
	Carbon Benefits (Greenhouse Gas)	-33.397
	Monetised Noise Benefits	0.014
	Monetised Air Quality Benefits	-10.234
	Indirect Tax Revenue	25.341
	Present Value of Benefits (PVB)	196.179
Costs	Construction Cost	100.369
	Present Value of Cost (PVC)	100.369
Net Present Value	Net Present Value (NPV)	95.810
Benefit Cost Ratio	Benefit to Cost Ratio (BCR)	1.96

4.7.5 Table 5 shows that benefits exceed costs resulting in a Net Present Value of £95.810M and an initial BCR of 1.96.

4.7.6 The next stage of the assessment involves calculating an adjusted BCR by including the Wider Impacts and journey time reliability benefits.

4.7.7 The adjusted BCR is presented in Table 6 below.

Table 6: Adjusted BCR for Scheme

Adjusted BCR	2010 prices discounted to 2010 (£M)
Initial Present Value of Benefits PVB	196.179
Wider benefits	73.813
Journey Time Reliability	27.353
Adjusted Present Value of Benefits (PVB)	297.345
Present Value of Costs (PVC)	100.369
Net Present Value (NPV)	196.976
Adjusted BCR	2.96

4.7.8 Table 6 shows that with the wider benefits and journey time reliability benefits the PVB increases to £297.345M giving an adjusted BCR of 2.96.

4.7.9 The adjusted BCR is used as a basis for determining an initial Value for Money Category. Six Value for Money (VfM) categories are defined within the DfT framework and these are set out in Table 7 below.

Table 7: Value for Money Categories (Source: DfT Value for Money Framework)

Value for Money Category	Implied by
Very High	BCR greater than or equal to 4
High	BCR between 2 and 4
Medium	BCR between 1.5 and 2
Low	BCR between 1 and 1.5
Poor	BCR between 0 and 1
Very Poor	BCR less than or equal to 0

4.7.10 With reference to Table 7 based upon the adjusted BCR, the initial VfM category for the Scheme indicates High Value for Money.

5 The Orders

5.1 The Planning Position

- 5.1.1 Section 55(1) of the Town and Country Planning Act 1990 (Appendix 1, D.02) provides the definition of development for the purpose of that Act. Subsection 55(2)(b) exempts certain operations from being categorised as development, namely 'the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment'.
- 5.1.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the "GPDO") (Appendix 1, E.01) sets out, in Schedules 1 and 2, the developments for which planning permission is granted by the GPDO.
- 5.1.3 Class B of Part 9 of Schedule 2 to the GPDO relates to development of roads by either the Secretary of State for Transport or, as is the case with the Scheme, the Applicant as a 'strategic highways company'. Class B confirms that any works in exercise of the functions of the Applicant under the Highways Act 1980 (Appendix 1, D.01) or works in connection with, or incidental to, the exercise of those functions is considered permitted development.
- 5.1.4 Additionally, Class A of Part 9 of Schedule 2 to the GPDO provides that highway improvement works by any highway authority on land within the boundaries of a road, or on land outside but adjoining the boundary of an existing highway, is permitted development. All of the proposed works are permitted development and no express planning permission is therefore required.
- 5.1.5 The following paragraphs explain the purpose and effect of the Orders, which in the case of the CPO and the SRO have been made by the Applicant and submitted to the Secretary of State for confirmation, and in the case of the Line Orders prepared in draft and submitted to the Secretary of State for making.

5.2 The Compulsory Purchase Order

- 5.2.1 The scope of the compulsory acquisition powers sought by the Applicant is set out in full in the CPO.
- 5.2.2 The Applicant seeks authorisation to acquire the majority of the land required for the project outright. For some plots the Applicant is seeking authorisation to compulsorily acquire or create new rights, for example in relation to maintenance access to the attenuation pond in the north of the project. The Applicant has sought to minimise the extent of compulsory acquisition, including the acquisition or creation of rights instead of outright acquisition, wherever possible.
- 5.2.3 A summary of the powers in the Highways Act 1980 (HA) (Appendix 1, D.01) which are relied upon to acquire the land and new rights in relation to the project is provided below:
- Under section 239 the Applicant as the Strategic Highways Company may acquire land required for the construction of a trunk road. It may also acquire land which is required for the carrying out of works authorised by an order relating to a trunk road under section 14 (i.e. the SRO). The Applicant may also acquire any land required for the improvement of a highway, being an improvement which it is authorised by the HA 1980 to carry out.
 - Under section 240 the Applicant as highway authority may acquire land which is required for, or for use by them in connection with the construction

or improvement of a highway, or with the carrying out of works authorised by an order relating to a trunk road under section 14 (i.e. the SRO).

- Under section 242, the Applicant as highway authority may, authorise the owners of a bridge to acquire land which they require to enable them to comply with a requirement.
- Under section 246, the Applicant as highway authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surrounding of the highway.
- Section 250 allows the Applicant as the highway authority to acquire rights over land by creating them as well as for the acquisition of rights already in existence.

5.2.4 Guidance on Compulsory purchase process and The Crichel Down Rules' (MHCLG, 2018) (the "Guidance") (Appendix 1, G.03) provides guidance to acquiring authorities on the use of compulsory purchase powers and the Applicant has taken account of this in making the CPO.

5.2.5 The Applicant is using its powers of compulsory purchase contained in the HA 1980 and the Acquisition of Land Act (ALA) 1981 (Appendix 1, D.03) because it is satisfied that the acquisition of the land is required to facilitate the construction and operation of the project. The Applicant recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraphs 2 and 12 of the Guidance). It is considered that a compelling case exists here, as explained further in Chapter 6 of this Statement.

5.2.6 On confirmation of the Order the Applicant intends to execute General Vesting Declarations in order to secure title to, or rights in, the Land. Alternatively, it may follow the Notice to Treat procedure.

5.2.7 The 'Mining Code' contained in Parts 2 and 3 of Schedule 2 to the ALA 1981 is incorporated in the CPO. The incorporation of Parts 2 and 3 does not of itself prevent the working of minerals within a specified distance of the Land, but it does enable the Applicant to serve a counter-notice stopping the working of minerals, subject to the payment of compensation.

5.2.8 There is no requirement to acquire permanent land or rights for the project from registered common land nor is any of the land to be acquired used by the public as open space. For this reason, there is no provision for exchange land and a certificate under the ALA 1981 section 19 is not being sought.

5.3 The Line Orders

5.3.1 Section 10 of the HA 1980 makes provision in relation to the status of trunk roads. Amongst other things it confirms that the Minister (i.e. the Secretary of State) may by order direct that any highway or proposed highway to be constructed by the Applicant shall become a trunk road, or that any trunk road shall cease to be a trunk road, from such date as may be specified in the order. Section 10(3A) confirms that the power to direct that a highway or proposed highway shall become a trunk road includes the power to direct that the Applicant is the highway authority for that trunk road.

5.3.2 The Project involves the construction of new highway that is to become trunk road, as follows:

- a new section of road known as the A46 Coventry Eastern Bypass to be created between Oak Tree Road and B4428 Brinklow Road; and

- four new slip roads to connect to the above-mentioned highway with the existing A46/A428 detrunked roundabout.

5.3.3 The Project also involves a length of the trunk road ceasing to be a trunk road. This includes the whole extent of Binley junction roundabout between where the existing A46 Coventry Eastern Bypass Trunk Road meets the outer pavement edge of the Binley junction roundabout and a length of the A428 Rugby Road from the front edge of the traffic island to the back of the traffic island.

5.3.4 Accordingly, the Applicant seeks the Line Order under section 10 of the HA 1980 to confirm the status of this new highway as trunk road and the Applicant's status as highway authority for that road.

5.3.5 The Applicant also seeks the Line Order under section 10 of the HA 1980 to detrunk a section of highway and the Applicants status as highway authority for that road.

5.4 The SRO

5.4.1 Section 14 of the HA 1980 confers powers on highway authorities in relation to roads that cross or join trunk roads or classified roads. Amongst other things, section 14(1)(a) provides that an order may be made to authorise the highway authority for a road to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road, or is or will be otherwise affected by the construction or improvement of the road. The order may also authorise the construction of a new highway for purposes concerned with such alteration, or for any other purpose connected with the road or its construction.

5.4.2 Section 14(1)(b) confirms that an order may make provision for the transferring to another highway authority of a highway constructed under the order.

5.4.3 Accordingly, the Applicant has made the SRO to authorise it to carry out the works that are specified therein, including:

- Improve highways (a length of the A428 Brandon Road westward from its junction with the trunk road and a length of the A428 Rugby Road eastward from its junction with the trunk road); and
- stop up part of the width of the highway on or in the vicinity of the road known as Progress Way (a length of 0.061km (0.038 miles) at a maximum roadway width of 1.6m).

5.4.4 The SRO provides that rights of statutory undertakers and telecommunications code operators will continue to exist in relation to any of their apparatus that is in the highway if that highway is stopped up under the order, subject to section 21 of the HA 1980. This provision is authorised by sections 14(1)(c) and 14(2). Section 21 applies certain provisions of the Town and Country Planning Act 1990 (subject to modifications) relating to the extinguishment of such rights where a highway is stopped up or diverted under a section 14 order.

6 Conformity with Planning Policy

6.1 Government transport policy

6.2 The Road Investment Strategy (RIS)

- 6.2.1 In December 2014 the Department for Transport ("DfT") published its Road Investment Strategy ("RIS") for the period 2015-2020 (Appendix 1, I.01), announcing £15 billion to be invested in the strategic road network. The RIS outlines a number of indicators and requirements which monitor the performance of the Strategic Road Network.
- 6.2.2 Section 2 of the RIS explains that the SRN requires upgrading and improving to ensure it can deliver the performance needed to support the nation throughout the 21st century. Inconsistent and insufficient investment in roads has led to problems on the network, with capacity being close to breaking point at certain points, poor connectivity at others, and increasingly common environmental black spots. Certainty of funding, the ability to plan for the long term and the opportunity to drive increased efficiency, being the products of roads reform, are seen as providing the tools to bring lasting improvements to the network.
- 6.2.3 The RIS explains that DfT's ambition is to revolutionise the road network and create a modern SRN that supports a modern Britain, making a real difference to people and businesses. It wants to have transformed the network by 2040, delivering safe, more stress-free journeys, as well as enhanced reliability and predictability. As part of achieving this DfT expects the Applicant to make the network safer and improve user satisfaction, while smoothing traffic flow and encouraging economic growth.
- 6.2.4 Section 4 of the RIS explains that by 2040, without sustained investment and other action, congestion will become a serious problem for many important routes. Based on a 'high growth scenario', the projections estimate that every household will spend 16 hours stuck in traffic each year, with 28 million working days lost and a £3.7 billion cost to the freight industry annually. Difficulties could include:
- Impeded travel between regions that hampers business.
 - Longer travel times that constrain possible job opportunities.
 - Negative impacts on efforts to spur economic growth, with enterprise zones, potential housing sites and areas of high growth held back by bottlenecks.
 - Increased stress on roads to ports and airports, making it harder for British businesses to access export markets.
 - Safety and the environment suffering as congested traffic is more polluting and there is an increased risk of accidents.
- 6.2.5 Improvements to A46 Coventry Junctions were included in the Department for Transport Road Investment Strategy. As previously mentioned, the improvements contribute to national transport objectives by:
- Providing additional capacity;
 - Enhancing journey time reliability;
 - Improving the safety of the Binley junction and surrounding local road network for road users; and
 - Supporting the development of housing and the creation of jobs.
- 6.2.6 Scheme need was confirmed by the Autumn Statement 2014, HM Treasury, December 2014 and through inclusion in the Road Investment Strategy (RIS): 2015 to 2020. It forms part of Highways England Delivery Plan 2015-2020 (Appendix 1, I.04).

6.2.7 The objectives of the Scheme (as set out above) closely reflect the DfT's ambitions for the SRN set out in the RIS and the Scheme is considered to have strong support from the DfT through the RIS. The Scheme is an important part of achieving the DfT's ambitions for the SRN, both overall and in the Midlands region in particular, and its delivery will help the Applicant to meet the DfT's expectations.

6.3 National Planning Policy Framework

6.3.1 The National Planning Policy Framework (MHCLG, February 2019) (NPPF) (Appendix 1, G.01) sets out the Government's planning policies for England. It provides a framework within which local authorities and residents can produce local and neighbourhood plans reflecting the needs and priorities of communities. The NPPF advises that local authorities should take account of the need for strategic infrastructure, including nationally significant infrastructure within their areas.

6.3.2 Paragraph 59 acknowledges the Government's objective of significantly boosting the supply of homes, noting that "it is important that a sufficient amount and variety of land can come forward where it is needed". Paragraph 72 states that "The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities". The Scheme would support residential and commercial development in the surrounding area including Whitley South, the Coventry and Warwickshire gateway and Prologis Park.

6.3.3 Paragraph 80 states that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." Paragraph 102 confirms that: "transport issues should be considered from the earliest stages of plan-making and development proposals". Planning policies (paragraph 104) should inter alia: "provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy." The Scheme will contribute to economic growth, improve the operation and efficiency of the existing transport network, support employment and residential development opportunities, deliver capacity enhancements to the strategic road network, improve connectivity and community cohesion and ensure the safe operation of the network.

6.3.4 Paragraph 133 of the NPPF sets out the importance of Green Belt land. It states that, "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 134 of the NPPF outlines the five purposes of the Green Belt. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.3.5 Regarding proposals affecting the Green Belt, Paragraph 143 of the NPPF states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances" In particular "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

- 6.3.6 Paragraph 146 of the NPPF states that certain forms of development are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Included in this is “engineering operations”. The Scheme does not comprise inappropriate development in the Green Belt since it consists of engineering operations, preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. For a more detailed explanation, refer to Section 8 “Special Considerations”.
- 6.3.7 Paragraph 203 of the NPPF states it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Paragraph 204 states that “Planning policies should: (c) safeguard mineral resources by defining Mineral Safeguarding Areas”. The Scheme lies within a Minerals Safeguarding Area, however mineral reserves located within the boundary are not likely to be viable or desirable for extraction and there is an over-riding need for non-mineral development in this location. For a more detailed explanation, refer to Section 8 “Special Considerations”.

6.4 National Networks National Policy Statement

- 6.4.1 The Government has produced a series of National Policy Statements, including the statement for National Networks (DfT, 2014) (“NN NPS”) (Appendix 1, G.02). The NN NPS sets out “the Government’s vision and policy for the future development of nationally significant infrastructure projects on the national road and rail networks” and provides guidance for promoters of such projects. Although the Scheme is not classified as a Nationally Significant Infrastructure Project (“NSIP”), it is nevertheless on the strategic road network and the NN NPS confirms that it may be a material consideration in decision making on non-NSIP schemes, and whether, and to what extent, it is a material consideration will be judged on a case by case basis.
- 6.4.2 The NN NPS identifies that there is a “critical need” to improve the national networks to address road congestion and provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. Without improving the network, it will be difficult to support further economic development, employment and housing and this will impede economic growth and reduce people’s quality of life. The NN NPS states that: “The Government has therefore concluded that at a strategic level there is a compelling need for development of the national road network.”
- 6.4.3 Paragraph 2.23 confirms that the Government’s wider policy is to bring forward improvements and enhancements to the strategic road network to address the need described in the NN NPS. Proposed enhancements to the existing national road network are described, including (of most relevance to the Scheme) “junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions, which are a major source of congestion”.
- 6.4.4 It is considered that the Scheme will help to address the critical need identified in the NN NPS, and particularly that it will support and stimulate economic growth within Coventry and Warwickshire and provide a safe, expeditious and resilient network through the improved accessibility as a result of implementation of the Scheme.

6.5 Highways England: Strategic Business Plan 2015 to 2020

- 6.5.1 This document outlines its support for short-term targets as well as long-term aspirations. It outlines that highways schemes should not significantly impact on network availability.

- 6.5.2 The plan also states that a longer term and more efficient approach to maintaining our roads will take place through upgrading some of the busiest junctions and alleviating many of the worst bottlenecks.

6.6 Local Policy Support

- 6.6.1 The Scheme has strong support in local policy documents. A brief summary of relevant policy documents is set out below.
- 6.6.2 The Coventry City Local Plan 2011-2031 (adopted December 2017) (Appendix 1, H.03) sets out the vision to help re-establish Coventry as one of the country's top 10 cities, enhance its position at the centre of the Coventry and Warwickshire sub-region and contribute towards the West Midlands engine for growth. The Local Plan recognises that Coventry is well connected to the national road network and makes reference to the investment Highways England is making to the strategic road network which surrounds the city. The Infrastructure Delivery Plan (IDP) (Appendix 7 of the adopted Local Plan) provides an overview of the infrastructure required to support the growth of Coventry which includes the Scheme.
- 6.6.3 The Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) (Appendix 1, H.06) sets out the Council's policies and proposals to support the development of the Borough through to 2031. The Local Plan sets out the long-term spatial vision for how the town and villages in the Borough are planned to develop and change and how this vision will be delivered through a strategy for promoting, distributing and delivering sustainable development. A Statement of Common Ground (relating to highways and transport matters) between Rugby Borough Council, Warwickshire County Council and Highways England (Appendix 1, H.07) was prepared for the purposes of the Local Plan Examination. This document makes reference to the Scheme and also states "all three authorities recognise the importance of continuing co-operation and collaboration to ensure the effective deliver of the Local Plan and supporting infrastructure and services which are essential for successful communities".
- 6.6.4 There are a number of policies in each Local Plan that are relevant to the Scheme. These will be set out in detail in the planning Proofs of Evidence which will demonstrate that the Scheme is in compliance with these policies. Notably, Policy DS3 of the Coventry Local Plan (Appendix 1, H.03) and Policy GP1 of the Rugby Local Plan (Appendix 1, H.06) both refer to securing sustainable development. The Scheme is considered to meet the aims of these policies as it will provide a number of sustainability benefits such as improved road safety, a safer crossing point for pedestrians and cyclists thereby promoting sustainable modes of transport, improved efficiency of the existing transport network, and deliver capacity upgrades which will contribute to the future economic growth of Coventry and the creation of job opportunities.

6.7 Local Transport Policy

- 6.7.1 The West Midlands Local Transport Plan 2011 - 2026 (Appendix 1, H.13) covers the period from 2011 to 2026 and includes the administrative area of Coventry City Council. The local transport plan states its shared vision is "to make the West Midlands Metropolitan Area more prosperous, healthier and safer, offering a high quality and attractive environment where people will choose to live, work and visit, and where businesses thrive and attract inward investment". In terms of the sub-regions of the West Midlands, one of the main ambitions for the plan is to support housing and employment growth in the Coventry-Warwickshire north-south corridor.
- 6.7.2 The Warwickshire Local Transport Plan (Appendix 1, H.10) covers the period from 2011 to 2026 and includes the administrative area of Rugby Borough Council. The vision set by Warwickshire County Council is "working in partnership to put customers

first, improve services and lead communities". The plan makes reference to the A46 Binley junction setting out that although minor improvements have been carried out, "given the current congestion at this location the County Council will continue to lobby the Highways Agency (sic) to bring forward a more significant improvement at this junction".

6.8 Conclusions

- 6.8.1 The Scheme has strong support from Government through the DfT and the RIS. Further support for the Scheme is found in the NPPF and the NN NPS, which both emphasise the importance of, and indeed the "critical need" for, projects such as the Scheme. Local planning policy is supportive of the Scheme, with Coventry City Council and Rugby Borough Councils all recognising the need for improvements to transport infrastructure, including the Scheme, to enable the ambitions in their plans to be realised.
- 6.8.2 The Applicant considers that there is a compelling case in the public interest for the Scheme due to its conformity with planning policy.

7 The Case for Compulsory Acquisition

7.1 Introduction

7.1.1 The guidance on the fundamental principles that the Secretary of State will take into account in deciding whether or not to confirm a Compulsory Purchase Order are set in 'Guidance on Compulsory purchase process and The Crichel Down Rules' (Ministry of Housing, Communities and Local Government 2018) (the "Guidance") (Appendix 1, G.03).

7.1.2 It states:

- A compulsory purchase order should only be made where there is a compelling case in the public interest (paragraphs 2 and 12).
- The confirming authority (i.e. the Secretary of State) will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the order by agreement (paragraph 2).
- The purposes for which the compulsory purchase order is made must justify interfering with the human rights of those with an interest in the land affected, with particular consideration to be given to the provisions of Article 1 and, in the case of a dwelling, Article 8 of the Convention (paragraph 12).
- The Secretary of State will consider each case on its own merits. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but the Secretary of State will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time (paragraph 13).
- An acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire (paragraph 13).
- An acquiring authority should be able to show that all the necessary resources are likely to be available within a reasonable time-scale (paragraph 13). The acquiring authority should address sources of funding and the timing of that funding as part of its justification (paragraph 14).
- The acquiring authority will need to be able to show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation.

7.2 Compelling case in the public interest

7.2.1 The Applicant is satisfied that paragraphs 2 and 12 of the Guidance are met and there is a compelling case in the public interest.

7.2.2 As set out in Chapter 2 of this Statement, the need for the Scheme and associated benefits relate to current capacity constraints at Binley, resulting in unsatisfactory network performance.

7.2.3 The existing Binley junction component of the Scheme is an at-grade signalised roundabout. The signalised junction conflicts through traffic on the A46 with local traffic and traffic making right turn movements restricting traffic flow on the SRN. This is one of the causes of congestion and is a contributory factor to the accident cluster around the junction.

7.2.4 As mentioned in the previous chapters the objectives of the Scheme are to:

- Improve Safety
- Support the growing economy
- Support the smooth flow of traffic
- Relieve congestion

7.2.5 Capacity through the Binley junction is constrained by the existing roundabout. The circulatory carriageway is signalised and has a 40mph speed limit. To the north and south of the junction, traffic on the A46 is permitted to travel at the national speed limit. Limited space for queuing traffic on the roundabout creates issues with turning movements, particularly with Heavy Goods Vehicles (HGVs) which often straddle lanes. These factors impair the free flow of traffic on the SRN through the junction and create congestion.

7.2.6 The Binley Project element of the Scheme will be progressed based on the preliminary design which will provide a grade separated (two level) junction upgrade through raising the A46 mainline on a continuous 5 span flyover over the existing roundabout. The Project will support the customers' experience through attaining compliance against Highways England's KPIs, as detailed within the Delivery Plan 2015 to 2020. The design has been value engineered to reduce the disruption due to construction and the need for land acquisition and utilities diversions.

7.2.7 The Binley Project element of the Scheme will allow through traffic on the A46 mainline to travel at the national speed limit removing the constraint of a 40mph signalised junction. This is expected to achieve the following positive benefits for the customer:

- Reduced delay and queueing
- Improved journey time reliability
- Reduced accidents

7.3 Improved Safety

7.3.1 The A46 south of Coventry is in the top 45% of total casualties for British dual carriageway roads and in the top 250 for collision locations. The Binley Project element of the Scheme aims to improve safety by removing heavy traffic flows via grade separation at Binley to reduce the likelihood of roundabout related collisions. Accident clusters have been identified at Binley junction.

7.3.2 The existing speed limit on the A46 to the north and the south of the Binley junction is the national speed limit (70mph). The speed limit on the circulatory carriageway is 40mph. This junction causes conflict between fast moving traffic on the SRN and local traffic which has resulted in congestion and is a leading contributory factor to the accident cluster around the junction.

7.3.3 The proposals to provide grade separation at the Binley junction will reduce the number of conflicting movements. The provision of a flyover will mean that high speed long-haul traffic on the A46 mainline travelling through the junction will no longer be restricted by the signalised roundabout junction. This will eliminate the conflict with low speed local traffic travelling east/west on the A428 and right turn traffic movements between the A46 and A428. It will provide a continuous 70mph speed limit along the A46 and remove the conflict between A46 through traffic and pedestrians and cyclists using the toucan crossing facility.

7.3.4 Over the 60-year economic appraisal period, the proposed grade separation of Binley is predicted to reduce the overall numbers of accidents from 10,302 without the

Scheme to 9,590 with the Scheme: a saving of approximately 712 accidents equating to a benefit of £14.9M.

7.4 Support the growing economy

- 7.4.1 Despite the fact that Coventry & Warwickshire's Gross Value Added (GVA) grew more rapidly than the national average between 2010 and 2014 (3.75% compared to 3%), the area still had an output gap of some £460.2m in 2014, which rises to £2.328bn when considering local employment jobs. This is a key strategic issue. Improvements to the A46 corridor will support growth of the local economy which needs to grow at 3.3% per annum (assuming a UK GVA Growth Rate of 3%) if this output gap is to be removed by 2030.
- 7.4.2 The Office of National Statistics (ONS) reported that in 2017 the GVA in Coventry and Warwickshire has continued to grow. In 2017 the total GVA for the region was £26.039bn, this represented actual annual growth of 3.5%, real annual growth of 1.3%, real three-year growth of 6.8% and real growth of 33.4% since the 2009 recession.
- 7.4.3 Up to 76,000 new homes and 94,500 jobs are proposed in Coventry & Warwickshire by 2030. (Source: Coventry & Warwickshire Local Enterprise Partnership Updated Strategic Economic Plan August 2016). Of which approximately 25,000 houses and 13,200 new jobs are proposed in the Coventry area (Source: Coventry Local Plan 2016 and Coventry Employment Land Study (2015) – GL Hearn).
- 7.4.4 Jaguar Land Rover are expanding their operations at their Whitley facility that will generate employment. They are currently constructing a new facility known as Whitley South to support this.
- 7.4.5 The need to provide further interventions on the A46 around Coventry is based on economic growth. This is reflected in policy documents and resulting pressure from the national government through to Local Authority strategies.

7.5 Support the smooth flow of traffic

- 7.5.1 By upgrading the Binley junction, the need for trunk road traffic to negotiate a signal controlled roundabout junction will be removed. This will reduce congestion on the network, provide additional capacity, and support the national economic activity.
- 7.5.2 Removing the constraint will support and improve journey quality, journey time reliability, and safety. Removing the conflict between local and strategic traffic will assist in joining communities together and supporting the smooth flow of traffic.

7.6 Relieve congestion

- 7.6.1 The recent completion of A45/A46 Tollbar End junction to a grade separated junction has permitted free flowing traffic on the A45/A46 mainline through this junction increasing congestion at the Binley junction.
- 7.6.2 Congestion problems and low peak hour speeds have resulted in high vehicle delay and poor journey time reliability. Congestion between the Binley and Walsgrave junctions occurs in both directions at AM and PM peak times. This is shown in the 2013 baseline Coventry Area Strategic Model (CASM) and has been observed in all surveys since; most recently in traffic counts taken during May and September 2018.
- 7.6.3 Traffic master data shows that the average journey times through the junctions is eight minutes at peak times. Conversely, if there was free flow through the junctions, the journey would take two minutes. It has been identified that 50% of the traffic is generated by local journeys. By enabling the traffic to flow more freely through Binley junction will not only improve journey time reliability, but will make travelling easier and safer for businesses, commuters and local traffic.

7.7 Minimise effect on environment

7.7.1 The environmental considerations associated with a grade separated junction at Binley junction with a 70mph mainline speed limit scheme is presented in the Environmental Assessment Report (Appendix 1, B.01). This Report concludes:

- The land take for the project provides sufficient space to provide mitigation for impacts arising from views of the proposed slip roads through a planting strategy aimed at replacing existing landscape features (hedges, tree groups and shrub planting).
- The Project could result in potential direct and indirect impacts to protected species specifically bats and great crested newts. However, there is sufficient space within the proposed land take to mitigate these impacts. The planting strategy will be designed to meet Highways England Biodiversity Action Plan policy which aims to compensate for any loss of habitat as a result of the Scheme.
- As part of the preliminary design a 300m long, 2.5m high, acoustic barrier is proposed to mitigate the effects of the increased noise as a result of the Scheme to properties to the north of the Warwickshire Shopping Centre.
- Air quality effects of the project are not anticipated to result in new exceedances at sensitive receptors.
- Setting impacts to the Cocked Hat grade II listed structure could be mitigated dependent on the land available to allow planting between the boundary wall of the building and the A46.
- Mitigation for cultural heritage impacts to Romano British remains could require a watching brief for works undertaken in this area during construction.

7.8 Value for money

7.8.1 The economic case developed by the Applicant shows an initial benefit cost ratio (BCR) of 1.96 representing 'high' value for money. Inclusion of journey time reliability benefits and Wider Economic Impacts gives an adjusted BCR of 2.96. Benefits include, but are not limited to, reduced travel times, improved safety and reduced driver stress as the Scheme relieves congestion at Binley junction. Dis-benefits arise primarily from delays during construction at already busy junctions, as well as operational landscape impacts arising from an increase in the extent of lighting. Without the proposed interventions to improve the performance of the junctions, the objectives would not be met when future traffic levels increase.

7.9 Acquisition of Land and Rights by agreement

7.9.1 The Applicant is aware of the requirement in paragraph 2 of the Guidance to take reasonable steps to acquire all of the land and rights included in the CPO by agreement.

7.9.2 At the same time, the Applicant notes that the guidance recognises that although compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, the guidance recognises at paragraph 2 that it may often be sensible for the acquiring authority to plan a compulsory purchase timetable as a contingency measure and initiate formal procedures (i.e. progress the making of an order). The guidance notes that this will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

- 7.9.3 The Applicant has engaged with all landowners and occupiers with a view to acquiring their interests by agreement. The Applicant is in the process of engaging with landowners subject to the CPO with regard to the acquisition of their interests by agreement, and negotiations with this objective will be ongoing throughout the process.
- 7.9.4 The status of these negotiations at the time of writing is set out in Appendix 2 to this Statement. Where appropriate, negotiations will consider agreements to use land for a specified, temporary period rather than permanent acquisition.
- 7.9.5 Whilst negotiations are ongoing, the Applicant is mindful that it is under a duty to acquire land at best value and that it is required to deliver the project within a specified timescale. It has concluded that it may not be possible to acquire all land interests necessary to deliver the project within this timescale. In addition, some plots are in unknown ownership and cannot be acquired by agreement. The Applicant has therefore concluded that the project is unlikely to be capable of being delivered without compulsory acquisition powers.
- 7.9.6 An update on discussions to acquire land by agreement is outlined below and in Chapter 8 of this Statement.

7.10 Interference with human rights

7.10.1 As set out in Section 6 of the Statement of Reasons, the Human Rights Act 1998 (Appendix 1, D.04) incorporated into domestic law the provisions of the European Convention on Human Rights (ECHR). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual. The relevant Articles are summarised in paragraph 7.1 of the Statement of Reasons.

7.10.2 The relevant Articles can be summarised as follows:

- Article 1 of The First Protocol protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- Article 6 entitles those affected by compulsory powers to a fair and public hearing.
- Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

7.10.3 Section 6 of the Act prohibits public authorities from acting in a way which is incompatible with the rights protected by the ECHR.

7.10.4 Paragraph 12 of the Guidance sets out how applicants should approach the issue of human rights:

"An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

7.10.5 The Applicant recognises that the project may have an adverse impact on individuals but considers that there are significant public benefits that will arise from the project that outweigh any harm to those individuals. The CPO strikes a fair balance between the public interest in seeing the project proceed (which is unlikely to happen in the absence of the CPO) and the private rights which will be affected by the compulsory acquisition.

- 7.10.6 In relation to both Articles 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the CPO has been demonstrated in Chapter 5 of the Statement of Reasons. The land over which compulsory acquisition powers are sought as set out in the CPO is the minimum necessary to ensure the delivery of the project. The Project has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect, the interference with human rights is both proportionate and justified.
- 7.10.7 In relation to Article 6, the Applicant is content that the proper procedures have been followed for both the consultation on the project and in determining the compulsory acquisition powers included within the CPO. Throughout the development of the project, the Applicant has given persons with an interest in the land an opportunity to comment on the proposals and the Applicant has endeavoured to engage with landowners. The Applicant has had regard to landowner feedback in both the initial design of the project and in iterative design changes throughout the life of the project. Examples of design changes resulting from consultation feedback are provided Appendix 1, C.01 & C.03.
- 7.10.8 Individuals affected by the orders have submitted objections and representations to the Secretary of State during the objection period as set out in detail in Chapter 8 of this Statement. The Secretary of State has informed those that have submitted representations and objections that a Public Inquiry is to be held which will enable those affected by the orders to have a fair and public hearing. Additionally, if the orders are confirmed, a person aggrieved may challenge that decision by way of statutory review in the High Court if they consider that the grounds for doing so are made out.

7.11 Timings of the Orders and the project

- 7.11.1 Construction is due to be completed and the Project opened to traffic by 2022. The Applicant has secured a Contractor for the detailed design and construction phases. The publication of Draft Orders occurred in August 2019 with confirmation of the Orders scheduled for early 2020. The confirmation of the Draft Orders during 2020 is therefore important to ensure that work on the project can start immediately after that, as long as construction is not delayed due to the necessary land interests not having been secured. Although the Applicant already owns some of the Land, it is necessary for it to secure the ability to acquire, or create rights over, all of the land so that there is no impediment or delay to construction.
- 7.11.2 The Applicant therefore considers that there are sufficiently compelling reasons for the powers to be sought at this time.

7.12 Use of Land

- 7.12.1 The Applicant has a clear idea of how it intends to use the Land. Confirmation of the orders will enable the Applicant to compulsorily acquire land required for the project in order to improve highways. It will also enable the Applicant to compulsorily acquire land required for the mitigation of adverse effects
- 7.12.2 A significant amount of work has been carried out to date on the preliminary design of the project and is shown on the project drawings (Appendix 1, A.05 to A.07). This preliminary design work has in turn informed the preparation of the project boundary and the CPO Plans.
- 7.12.3 The purpose for which each plot of land is required is described in Appendix 1, A.04 within this Statement.
- 7.12.4 As discussed in Section 2 above, the Scheme represents the most feasible option which requires the least amount of permanent acquisition. The Applicant has further sought to minimise the extent of compulsory acquisition through the acquisition or creation of rights instead of outright acquisition where appropriate. Careful

consideration has been given to the amount of land that is required and the plots shown on the CPO Plans have been drawn so as to minimise land take as far as possible.

7.13 Funding Statement

- 7.13.1 The Applicant is content that there is a reasonable prospect of the necessary funds for acquisition being available. The financial case has demonstrated that the project is affordable, that risks have been taken into account in the costings and are being actively managed, and that efficiency targets are in place and being managed. Highways England is the Government's company charged with operating, maintaining and improving England's motorways and major A roads. Whilst traffic and transport legislation, regulations and policy are the remit of the DfT, Highways England has been commissioned by the DfT to deliver the Government's first Road Investment Strategy (RIS 1).
- 7.13.2 The cost is being funded as part of the first Road Investment Strategy (RIS) period 2015 to 2020. The RIS outlines a multi-year investment plan including over 100 major schemes funded by £15.2 billion of public money. This Scheme is one of the projects included within the RIS (funded by DfT) and secured by the Investment Decision Committee (IDC). The Scheme will be completely funded by Highways England as referred to in the Client Scheme Requirements document. The mandated budget allocation within RIS 1 for the A46 Coventry Junctions Upgrade Scheme is approximately £66.5M (most current total estimated out-turn cost).
- 7.13.3 The estimates provided by District Valuer Services (DVS) in December 2018 will account, where possible at this early stage, for all potential land acquisition costs (other than legal costs), statutory loss payments, potential claims under Section 10 Compulsory Purchase Act 1965 where it is possible to identify a risk and likely claims under Part 1 Land Compensation Act 1973. The estimates assume the acquisitions will be made with compulsory powers and the compensation assessed under the various statutory compensation provisions. The District Valuer's land-take estimate is approximately £2.1M and this cost is below the current budget of £2.71M allocated in the Total Out-Turn Cost by Highways England. Therefore, it can be assumed that there is enough money to purchase land required for the Scheme.

7.14 Other consents and impediments

- 7.14.1 The Applicant does not consider that the project is likely to be blocked by any physical or legal impediments to implementation.

7.15 Conclusions

- 7.15.1 The Applicant considers that there is a compelling case in the public interest for confirmation of the CPO and that the CPO, if confirmed, would strike an appropriate balance between public and private interests.

8 Special Considerations

8.1 Crown Land

8.1.1 Using the Crown Estate website as a source, no Crown Land is affected by the project.

8.2 Special Category Land

8.2.1 It can be confirmed, using the MAGIC mapping website software, produced by Defra (<https://magic.defra.gov.uk/magicmap.aspx>), that no Special Category Land is affected by the project.

8.3 National Trust 'inalienable' land

8.3.1 It can be confirmed, using the MAGIC mapping website by Defra (<https://magic.defra.gov.uk/magicmap.aspx>), that there is no inalienable land affected by the project.

8.4 Statutory Undertaker Land

8.4.1 It has been established by land registry search and by dialogue with Statutory Undertakers that there is no land owned by Statutory Undertakers within the footprint of the Scheme. With reference to the Statutory Undertaker's Estimate Report, existing services and apparatus will be diverted within the highway boundary. However, there is no land owned by statutory undertakers that is required for the project.

8.5 Other designations

8.5.1 None.

8.6 Green Belt

8.6.1 Eastern areas of the project are located on land designated as Green Belt as defined in the Rugby Local Plan Rural Proposals Map June 2019 (Appendix 1, H.08). The Project in these areas incorporates some permanent land take for new road construction, landscaping and balancing ponds and the temporary construction lay down area.

8.6.2 Since there is limited encroachment into the Green Belt beyond the existing highway boundary it is not considered that the road construction at ground level, landscaping and balancing ponds will conflict with the purposes of the Green Belt or will harm its openness. These elements of the Project are regarded as engineering operations as defined by paragraph 146 of the NPPF. The grade separated junction and temporary construction lay down area could also be regarded as appropriate development in the Green Belt for similar reasons. In terms of demonstrating a requirement for a Green Belt location, alternative options have been considered and rejected for a number of reasons including programme delay, disruption to road users and increased costs. The options assessment has determined that the project in this location meets the Scheme objectives and increases the capacity of the strategic road network at this location and reduces congestion on the A46 and the local road network. This assessment therefore demonstrates the requirement for the project in this location including those aspects of the project that are located in the Green Belt.

8.6.3 Notwithstanding the above, if it were considered that the project comprises inappropriate development in the Green Belt, "very special circumstances" will need to be demonstrated. The very special circumstances that exist for the Scheme include the need for the Scheme, identified in the Road Investment Strategy 2015-2020; the

contribution it makes to economic growth, the improvement in operation, efficiency, safety and capacity of the existing transport network; and improvements to connectivity and community cohesion.

- 8.6.4 Overall, the project is therefore considered to be consistent with national and local Green Belt policy.

8.7 Minerals and Waste Policy

- 8.7.1 The Project lies within a Minerals Safeguarding Area. The relevant minerals and waste planning policy is set out in the NPPF (Appendix 1, G.01), the Coventry Local Plan 2017 (Appendix 1, H.03), the Warwickshire Waste Core Strategy (July 2013) (Appendix 1, H.11) and the emerging Draft Warwickshire Minerals Plan 2018 (Appendix 1, H.12).
- 8.7.2 Paragraph 204 of the NPPF states that “Planning policies should: (c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided”.
- 8.7.3 Policy EM9 and Policy EM10 of the Coventry Local Plan 2017 relate to minerals and seek to protect mineral reserves from sterilisation in designated Mineral Safeguarding Areas from non-mineral development. This includes a sand and gravel safeguarding area covering the location of the project.
- 8.7.4 The Draft Warwickshire Minerals Plan Publication Consultation was published in October 2018. Draft policy MCS 5 safeguards mineral resources of local and national importance within the Mineral Safeguarding Areas which the project is partially within. Non-mineral development should not normally be permitted in Mineral Safeguarding Areas if they would constrain or hinder existing or future mineral development.
- 8.7.5 Draft Policy DM10 Mineral Safeguarding sets out criteria for permitting non-mineral development in mineral safeguarding areas. This includes whether there is an over-riding need for the non-mineral development or whether the non-mineral development is of a temporary nature and can be completed and the site restored before the mineral needs to be extracted.
- 8.7.6 The vast majority of the project is contained within the existing highway boundary with limited land to be acquired permanently (1.9 hectares) for the purpose of balancing ponds. Due to the location of the project within an existing highway corridor bound by development on one side, mineral reserves located within the boundary of the project, are not likely to be viable or desirable for extraction. The limited incursions outside the existing highway boundary are unlikely to affect the Minerals Safeguarding Area as the size of the sterilised mineral reserves is likely to be small. Furthermore, the Environmental Assessment Report does not identify an impact on the Minerals Safeguarding Area.
- 8.7.7 The over-riding need for the project, which comprises non-mineral development, is to address the current issues of congestion, low peak hour speeds, high vehicle delay and poor journey time reliability in this location. Addressing these issues will also deliver public benefits relating to safety, improved provision for walkers and cyclists and economic growth.
- 8.7.8 It is considered that the project meets the requirements of Policy EM9 and EM10 of the Coventry Local Plan 2017 (Appendix 1, H.03) and Draft Policies MCS 5 and DM10 of the Draft Warwickshire Minerals Plan (2018) (Appendix 1, H.12).

9 Objections and Representations

9.1 Summary

9.1.1 The Trunking Order, Detrunking Order and Compulsory Purchase Order Notices were published on 8 August 2019 and the statutory objection period ran until 20 September 2019. The Side Roads Order Notices were published on 20 August 2019 with the statutory objection period running until 2 October 2019.

9.1.2 By the end of the objection periods, 5 statutory objections and 3 non-statutory objections were received as set out in the letter from the Department for Transport dated 4 October 2019. The objectors and non-statutory objectors are listed below.

9.1.3 Statutory objectors:

- Western Power Distribution (East Midlands) – SRO and CPO
- WPD Telecoms Limited – SRO and CPO
- Mrs Janette Green (Greens Home and Garden) – CPO
- Whitbread Group (Premier Inn Hotel) - CPO
- Trustees of Agricultural Field south east of Binley junction – SRO and CPO

9.1.4 Non-statutory objectors:

- Binley Woods Parish Council – CPO
- Cllr Heather Timms – CPO
- Ms Rebecca Picarelli - CPO

9.1.5 Through liaison and continued engagement with objectors, as of 14 January 2020 the following objectors have withdrawn their objections in writing:

Statutory objectors

- Mrs Janette Green (Greens Home and Garden) – CPO
(Objection withdrawn 23 December 2019)

Non-statutory objectors:

- Binley Woods Parish Council – CPO
(Objection withdrawn 8 November 2019)
- Cllr Heather Timms – CPO
(Objection withdrawn 11 November 2019)
- Ms Rebecca Picarelli – CPO
(Objection withdrawn 6 November 2019)

9.1.6 A summary of the objections and representations received in response to the Orders and high-level summary of the Applicant's response is set out below. Detailed responses to the objections and representations will be provided in the various Proofs of Evidence as set out in Chapter 9 of this Statement.

9.2 Responses of support

9.2.1 A letter of support was received from Warwickshire County Council by the Applicant, Highways England.

9.3 Statutory objections

Statutory undertakers

- 9.3.1 The following statutory undertakers submitted holding objections pending an agreement to safeguard their ability to carry out their undertaking and comply with their statutory rights.
- Western Power Distribution (East Midlands)
 - WPD Telecoms Limited
- 9.3.2 **Applicant's response to Western Power Distribution (East Midlands):** The Applicant responded to Western Power Distribution requesting a meeting to discuss their concerns in further detail and explore mitigation options. Further discussions with WPD confirmed that WPD's main concern was establishing an Asset Protection Agreement with the Applicant.
- 9.3.3 The Applicant is confident that agreement will be reached with those undertakers and written confirmation (diversion agreements or Asset Protection Agreements) that they are content with the proposed solutions in respect of their apparatus will be obtained prior to the start of the Public Inquiry to enable the objection to be withdrawn.
- 9.3.4 **Applicant's response to WPD Telecoms Limited:** The Applicant responded to WPD Telecoms requesting a meeting to discuss their concerns in further detail and explore mitigation options.
- 9.3.5 Further discussions with WPD Telecoms on 1 October 2019 confirmed that an Asset Protection Agreement would be required between the Applicant and WPD Telecoms. The Applicant provided further information to WPD Telecoms to clarify the project, WPD telecoms also confirmed they were in the process of undertaking physical surveys to confirm the location of their apparatus and verify the impact of the project on this apparatus. On 9 October 2019, WPD Telecoms confirmed that an Asset Protection Agreement had been drafted and would be provided to the Applicant for review.
- 9.3.6 The Applicant is confident that agreement will be reached with those undertakers and written confirmation (diversion agreements or Asset Protection Agreements) that they are content with the proposed solutions in respect of their apparatus will be obtained prior to the start of the Public Inquiry to enable the objection to be withdrawn.

9.4 Landowners directly affected by the Project

- 9.4.1 Three objections were received by landowners directly affected by the project:
- Mrs Janette Green (Greens Home and Garden) – CPO
 - Whitbread Group (Premier Inn Hotel) - CPO
 - Trustees of Agricultural Field south east of Binley junction – SRO and CPO
- 9.4.2 **Mrs Janette Green** objected on the following grounds:
- Highways England have provided no justification for the requirement of plots 9B and 9C on the CPO plans. The current plots, as proposed, will have a detrimental impact on the Site.
 - If the proposed land acquisition is confirmed it will lead to a significant impact on the retained land leading to an increased compensation claim. This is not an appropriate use of public funds particularly where viable, less costly options may be available.
 - Highways England have made no attempts to reach an agreement for the acquisition of plots 9B and 9C in the Order. As recognised by the government guidance in the document, Guidance on Compulsory Purchase Process and The Crichel Down Rules, compulsory purchase powers should only be used as a last resort. The Client would be prepared to work with

Highways England in trying to reach an agreement thus avoiding the need to use compulsory purchase powers, however limited engagement has taken place to allow such options to be explored.

- 9.4.3 **Applicant's response to Mrs Janette Green:** The Applicant met with Mrs Green to discuss the justification for acquiring plots 9B and 9C. It is important to note Plots 9B and 9C differ in purpose. Plot 9B is required for the construction of the project and its associated earthworks. In the south of the Greens Home and Garden plot, 9B is also used in the construction of the attenuation pond and drainage improvements on the adjacent field. Once construction is complete, plot 9B is not required by the acquiring authority. 9C is required for the footprint of the project. This area includes the new southbound merge slip road footprint and its associated earthworks. Plot 9C is required permanently.
- 9.4.4 In regard to the impact on retained land, consideration has been made in order for the project not to affect Greens Home and Garden's car park usage. Through the landowner engagement period the following considerations have been made with regards to the car park and its functionality:
- There will be minor changes to the car park layout in the form of 6 parking spaces being relocated. This relocation has been proposed and shown during meetings. The spaces were recently adjusted following comments received from the landowner.
 - The car park will retain a 1m display verge as you enter the premises at the request of the landowner. This will mean a display similar to the existing can be retained.
 - In addition to the customer usage of the car park, it is also used as a means of access to an adjacent field. This gate will be relocated in order to continue to provide a means of access, engagement with the landowner and their agent is on-going following the proposals.
- 9.4.5 In regard to attempts to acquire plots 9B and 9C in the agreement, further to instructions from the Applicant, the District Valuer wrote to the landowner together with other landowners affected by the project on 14 March 2019 to make contact as part of the engagement process and to open negotiations to acquire the land interests that are required to deliver the road improvement by agreement.
- 9.4.6 The landowner responded in early April 2019 and a subsequent meeting took place on 21 May 2019 where it was confirmed that the landowner was willing to work with the District Valuer in terms of an agreement for the land required for the project. At this meeting the landowner confirmed they were in the process of appointing a representative surveyor to act on their behalf.
- 9.4.7 In early July, the landowner was asked about the other operators on the premises in order for the District Valuer to start to inform them of the intention to start works and for the landowner to provide details of the occupational leases or agreements. The landowner responded that they would prefer that the operators were not directly contacted until a representative surveyor is on board, but that the tenants would be informed of the detail supplied to date.
- 9.4.8 The landowner updated the District Valuer in late July to confirm a surveyor had been appointed. The first meeting with the landowner's surveyor took place on 31 July 2019. Here an update on the progress of the project was provided and a joint inspection of the land required for the project took place. At this meeting the relocation of six car

parking spaces and a new farm access gate to the adjacent agricultural field was discussed.

9.4.9 On 27 September 2019, the Applicant and District Valuer met with the landowner and her agent to discuss the objection and agree a way forward. At this meeting, it was agreed that the Applicant would produce an agreement to identify proposals to mitigate the concerns raised in the objection.

9.4.10 Objection withdrawn 23 December 2020.

9.5 Whitbread Group (Premier Inn Hotel)

9.5.1 An objection was received on behalf of Whitbread Group and Premier Inn, on the basis that the hotel building is highly sensitive to external factors such as vehicle noise and artificial light from vehicle headlights. Key concerns were that the height of the new road and removal of vegetation along the frontage of the property, would cause an increase in noise and light from nearby vehicles.

9.5.2 The objection requested that the Applicant consider the incorporation of a suitable barrier into the proposals for the new road. Clarification on work hours during construction was also sought, stating construction between the hours of 4pm – 10am could potentially cause a disturbance to the business.

9.5.3 **Applicant's response to Whitbread Group and Premier Inn:** The Applicant responded to the objection to confirm the inclusion of solid parapets on both sides of the flyover and approach ramps to mitigate the impact of noise, artificial lighting and headlight glare on nearby buildings, including the Premier Inn.

9.5.4 In regard to the impact of artificial lighting, the Applicant confirmed that the Binley junction will remain lit, with new lighting provision along the verges and flyover, however the lighting design would minimise potential impacts through:

- Not providing excessive lighting
- Minimising horizontal light spill

9.5.5 Whilst there will be some loss of vegetation between the Premier Inn building and the highway, as the Applicant has developed the project, temporary landtake to reduce the loss of vegetation as much as possible has been sought. Where vegetation is removed, it will be replaced with native woodland, including some evergreen species, which alongside the solid parapet proposed, should minimise headlight glare and the impact of artificial lighting at the Premier Inn building.

9.5.6 In regard to working hours, construction work will be within permissible hours as agreed with the relevant Local Authorities. The current intention is for construction works to take place between 7am to 7pm on weekends and 8am to 4pm on Saturdays. It is likely that some isolated night time works will also be required. Any reduction in working hours would extend the current two-year programme.

9.5.7 The Applicant has proposed an agreement with this objector to enable the objection to be withdrawn prior to the start of a Public Inquiry.

9.6 Shirley Jones, Janette Green, Steven Merryweather, Paul Merryweather, Julie Yearby, Jason Yearby, Claire Harrison. Trustees of Agricultural Field south east of Binley junction

9.6.1 An objection was received from the above landowners on the following grounds:

- The land owned by the objectors currently has the benefit of direct access off adjacent land under Title WK340315 and an extensive adjoining boundary with the same. The current access is lost as a result of the order,

and the provisions for replacement access are not sufficiently defined or adequate as proposed.

- The orders as proposed would sever the objectors' retained land and remove control of access to the severed extent. The current proposals do not provide adequate access over the acquired extent to the retained land and contain insufficient detail of any changes to be made to any element of the acquired extent in the location if part is to be returned to the objectors' post project.
- The orders as proposed do not provide sufficient detail on the demarcation of land to be permanently acquired post project. The boundary details on the supplied drawings do not adequately confirm that all land to be acquired will be suitably physically enclosed on the boundary with the objectors' retained land or that and replacement access provided will be on a 'like for like' basis.
- There are no current provisions that access will be maintained to the retained land during the project.

9.6.2 **Applicant's response to Trustees:** The Applicant responded to the landowners' agent, suggesting a formal agreement with the landowners providing the assurances required. The Applicant has proposed an agreement with this objector to enable the objection to be withdrawn prior to the start of a Public Inquiry.

9.7 Non-statutory objections

9.7.1 Three non-statutory objections were received from the following parties:

- Binley Woods Parish Council – CPO
(Objection withdrawn 8 November 2019)
- Cllr Heather Timms – CPO
(Objection withdrawn 11 November 2019)
- Ms Rebecca Picarelli – CPO
(Objection withdrawn 6 November 2019)

9.7.2 **Binley Woods Parish Council:** Binley Woods Parish Council submitted a representation to the Applicant on 9th September 2019. As this was within the representation period for the Orders, this was treated as an objection. This objection has now been withdrawn.

9.7.3 The primary concern raised in this representation was around increased noise and a request for noise reduction boards along the raised section of the flyover.

9.7.4 The Applicant met with Binley Woods Parish Council on 13th September 2019 to provide an update on the project and the mitigation options that had been developed to address the Parish Council's concerns. Here it was confirmed that a solid parapet had been added to the flyover and approach ramps and data provided showing the predicted noise benefit for properties within Binley Woods.

9.7.5 On 17th September 2019, Binley Woods Parish Council submitted an objection to the Department for Transport outlining the following concerns. Following advice from the Department for Transport, the Applicant treated this as a further representation from the Parish Council. This representation raised the following matters:

- Concern that the proposed solid parapet would lead to noise echoing rather than being baffled.

- Concern that the low noise surface would deteriorate over time, reducing the noise reduction benefit for Binley Woods residents.
- The Parish Council had been informed that a similar solution was proposed on the A303 Stonehenge scheme. It was felt that this was not an appropriate comparison as due to there being no residential properties in this area.

- 9.7.6 **Applicant's response to Binley Woods Parish Council:** The Applicant has proposed the inclusion of solid parapets on both sides of the flyover which will reduce the noise impact on the Binley Woods community and reduce headlight glare at night. The latest analysis has considered a 1.15m high parapet with solid infill along the flyover and approach ramps, similar in principle to that provided at Brinklow Road. The proposals also include a solid barrier in the central reserve throughout the project.
- 9.7.7 To assess the noise impact of the Project, traffic noise levels have been predicted in accordance with standard UK traffic noise prediction methodology. The noise level value is determined by taking the highest 10% of noise readings in each of the 18 one-hour periods between 6am and midnight, and then calculating the arithmetic mean. The day and night time levels have been predicted both with and without the proposed project in place and have taken account of the traffic flows and speeds around the junction predicted to occur with and without the project in place. We can also confirm that, to ensure a conservative approach, the calculation procedures are based on moderate downwind conditions i.e. the wind blowing from the source (the road) to the receptor (houses in Binley Woods). To provide any appreciable benefit in terms of noise reduction, a deep width of dense and consistent vegetation is required and therefore, to ensure a conservative approach, no reduction in traffic noise levels due to vegetation has been assumed in the assessment. We also can confirm that the noise modelling has assumed the use of reflective materials and this still results in a noise reduction.
- 9.7.8 When the Applicant met with the Parish Council on 13 September, it was noted that a solid parapet is also proposed on the A303 Stonehenge scheme. The example referred to proposes a solid parapet on the south side of the River Till viaduct and reduces the adverse noise impact at a residential property. This is further described in para 9.9.82 of the project's Environmental Statement: "A solid parapet at the River Till is not deemed essential noise mitigation to comply with policy, within the context of sustainable development as it reduces the adverse noise impact at a single property. However, it does provide both noise and visual benefits. In addition, feedback from the public consultation events and organisations such as Wiltshire Council was in favour of a solid barrier. Therefore, for these reasons a solid parapet is included in the Project design."
- 9.7.9 The Applicant is currently developing a sound demonstration which will help residents and stakeholders understand the likely noise impact, with and without the project, from key locations within Binley Woods. We look forward to working with the Parish Council to ensure residents have the opportunity to use this demonstration which we anticipate being available in early November.
- 9.7.10 The low noise surfacing that the Applicant is proposing is referred to as Stone Mastic Asphalt (SMA). This product is a preferred choice of surfacing material in line with UK standards and is durable with an estimated service life of 12 years. SMA is a dense, gap-graded, negative textured asphalt mixture designed to provide quieter road surfaces in comparison to Hot Rolled Asphalt. Current evidence is that SMA has noise reduction benefits over its 12-year life. SMA provides a 7dB reduction initially, reducing to 1dB at the end of its service life. For our noise assessment, a 3.5dB reduction has been assumed rather than the value at opening.

9.7.11 In regard to the visual impact of the project, in order to address concerns regarding this, the Applicant have proposed a 125m long, 5 span flyover providing a more open aspect. This was presented at the Public Information Exhibition in March 2018.

9.7.12 Objection withdrawn 8 November 2019.

9.8 Councillor Heather Timms

9.8.1 Councillor Heather Timms submitted an objection to the project which is summarised below:

- Concerns in regard to the long-term noise impact upon Binley Woods residents of the upgrade and a request for noise reduction barriers to the Binley Woods side of the junction.
- Impact of the project, particularly noise and lighting, on leisure areas, including Piles Coppice woodland which is home to rare moths.
- Concern that the low noise road surface will degrade over time, reducing the benefit.

9.8.2 A concern around signage at the A46 Toll Bar junction was also raised within the objection which is believed to be causing increased vehicle movements at the Binley junction. This objection has now been withdrawn.

9.9 Applicant's response to Councillor Heather Timms

9.9.1 Councillor Timms attended the meeting between the Applicant and Binley Woods Parish Council on 13th September 2019. The Applicant provided a response to Councillor Timms in writing on 27 September 2019.

9.9.2 Please see the Applicant's response to Binley Woods Parish Council above for a summary of the responses to these points. A response to the additional concerns is set out below.

9.9.3 In regard to the provision of noise reduction barriers on the Coventry side of the junction, the noise barrier along the northbound on-slip is to avoid the significant adverse effect that would otherwise occur at properties at the most south western extent of the housing in that area. Without the barrier in place, these properties were predicted to be exposed to changes above 3dB(A) when the project opens. This level of change is identified as moderate in the methodology set out Design Manual for Roads and Bridges (DMRB) HD 213/11, which has been followed in the assessment of the proposed project. In general, a moderate or major magnitude of impact is normally considered to result in significant effects. No other properties were identified as meeting the 'moderate impact' criteria.

9.9.4 In regard light pollution, the Binley junction will remain lit, with new lighting provision along the verges and the flyover. The lighting design will take into account all protected species and will avoid potential impacts on nocturnal species through the following:

- Not providing excessive lighting
- Minimising horizontal light spill and avoiding direct illumination of potential bat roosts (woodland edges, trees and buildings). This includes woodland edges including Piles Coppice.

9.9.5 Piles Coppice is a minimum of 22m away from the proposed A46 highway boundary and not directly impacted by the project. It has been noted that the citation for Piles Coppice was updated in 2019 to reflect two rare moths being found there in 2018, They were previously considered extinct in Warwickshire. An update to the Environmental Assessment Report is currently in progress and any changes to the assessment arising from recent updates will be considered in the report update.

- 9.9.6 The matter of signage at Tollbar End junction has been raised with the HE Route Manager who has confirmed that all signage is appropriate and correct for the junction according to current standards, and that up to date satellite navigation systems correctly direct road users. Nevertheless, an additional temporary sign showing a left (exit) arrow for the A45/M45 has been erected in the A45 verge approaching Tollbar End Junction in response to feedback.
- 9.9.7 Objection withdrawn 6 November 2019.

9.10 Ms Rebecca Picarelli

- 9.10.1 Ms Rebecca Picarelli contacted the Applicant during the representation period, due to concerns that there will be an increase in noise pollution during work on the junction and once the junction is in operation. Ms Picarelli supports Binley Woods Parish Council's request for the installation of noise barriers. As this representation was received during the representation period, it was treated as an objection by the Applicant. This objection has now been withdrawn.

9.10.2 Applicant's response to Ms Rebecca Picarelli

- 9.10.3 As part of the Environmental Assessment of the project, the Applicant has considered the health effects associated with the proposed project on the surrounding population. The assessment considered health and well-being determinants of relevance as identified from those set out in the London Healthy Urban Development Unit (HUDU) Rapid Health Impact Assessment Tool Third Edition. This includes the health determinant of air quality, noise and neighbourhood amenity. The assessment draws from the results of the noise assessment and concludes that potential health impacts are unlikely to arise due to noise from the proposed project.
- 9.10.4 It is predicted that the proposed project would not have a significant impact on noise levels at properties along the Rugby Road, particularly those further away from the project. However, in order to address concerns from residents, a 1.15m high solid infill barrier is being provided along the entire length of the structure. This will result in a noise benefit at properties within Binley Woods that are close to the A46.
- 9.10.5 Objection withdrawn 11 November 2019.

10 Specialist Evidence and Deposit Documents

10.1 Specialist Proofs of Evidence

10.1.1 Based on the objections and representations that have been made, the Applicant expects to prepare specialist Proofs of Evidence covering:

1. Traffic Modelling
2. Economics
3. Planning
4. Construction
5. Environmental Design and Mitigation
6. Air Quality
7. Noise and Vibration
8. Biodiversity
9. Historic Environment
10. Contaminated Land

10.1.2 The Proofs of Evidence will be sent to all remaining Statutory Objectors at least three weeks before commencement of the Public Inquiry and will be available for inspection at the deposit location from that time.

10.2 Deposit Documents

10.2.1 Documents referred to in this Statement will be made available for inspection from 25th February 2020 at the following locations:

Highways England
2 Colmore Square
38 Colmore Circus
Birmingham B4 6BN

Coventry City Council
The Council House
Earl St
Coventry CV1 5RR

Warwickshire County Council
Shire Hall
Warwick CV34 4RL

Rugby Borough Council
Town Hall
Evreux Way
Rugby CV21 2RR

Willenhall Community Library
Hagard Community Centre
Remembrance Road
Coventry CV3 3DG

Wolston Library
Warwick Rd
Wolston
Coventry CV8 3HB

10.2.2 From commencement of the Public Inquiry, an additional set of deposit documents will be available at the public inquiry venue and may be inspected whenever the inquiry is in session which will include all documents referred to or submitted in evidence at the Public Inquiry.

10.2.3 The Deposit Documents referred to in this Statement of Case are listed in Appendix 1.

10.2.4 Copies of the draft Orders and the relevant plans may be inspected on the Highways England website at:

www.highwaysengland.co.uk/projects/a46-coventry-junctionsupgrade

Appendices

Appendix 1: Deposit Documents

A	DRAFT AND MADE ORDERS
A.01	THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) (TRUNKING) ORDER 201[]
A.02	THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) (DETRUNKING) ORDER 201[]
A.03	THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) (SIDE ROADS) ORDER 2019
A.04	THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) COMPULSORY PURCHASE ORDER 2019
A.05	PRELIMINARY DESIGN DRAWING (GA) - SHEET 1
A.06	PRELIMINARY DESIGN DRAWING (GA) - SHEET 2
A.07	PRELIMINARY DESIGN DRAWING (GA) - SHEET 3
B	ENVIRONMENTAL ASSESSMENT
B.01	THE A46 ENVIRONMENTAL ASSESSMENT REPORT
C	CONSULTATION DOCUMENT AND DOCUMENTS PREVIOUSLY on DEPOSIT AND OPTION DOCUMENTATION
C.01	THE OPTIONS APPRAISAL AT BINLEY JUNCTION – TECHNICAL NOTE (AUGUST 2018)
C.02	A46 COVENTRY OPTIONS ASSESSMENT REPORT (OAR) (2015)
C.03	THE BINLEY VALUE ENGINEERING (VE) TECHNICAL NOTE (2017)
C.04	OPTIONS COMPARISON AND RECOMMENDATION (HE DIVISIONAL DIRECTOR'S) TECHNICAL NOTE (2016)
C.05	JANUARY 2017 APPRAISAL SPECIFICATION REPORT (STAGE 3)
C.06	A46 CLIENT SCHEME REQUIREMENTS (CSR)
D	CORE LEGISLATION (ACTS)
D.01	HIGHWAYS ACT 1980
D.02	TOWN AND COUNTRY PLANNING ACT 1990
D.03	ACQUISITION OF LAND ACT 1981
D.04	HUMAN RIGHTS ACT 1998
E	REGULATIONS
E.01	THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015
E.02	TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017
F	RULES
F.01	RULE 7 OF THE COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007
F.02	RULE 6 OF THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994
G	NATIONAL PLANNING POLICY GUIDANCE NOTES/PLANNING POLICY STATEMENTS
G.01	NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2019) DCLG DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
G.02	NATIONAL NETWORKS NATIONAL POLICY STATEMENT (NN NPS) (2014)
G.03	GUIDANCE ON COMPULSORY PURCHASE PROCESS AND THE CRICHEL DOWN RULES
H	LOCAL AND REGIONAL PLANNING & POLICY DOCUMENTS
H.01	HIGHWAYS ENGLAND: SOUTH MIDLANDS ROUTE STRATEGY EVIDENCE REPORT (MARCH 2017)
H.02	HIGHWAYS ENGLAND: STRATEGIC BUSINESS PLAN 2015 TO 2020

H.03	COVENTRY CITY COUNCIL LOCAL PLAN (2017)
H.04	COVENTRY & WARWICKSHIRE LOCAL ENTERPRISE PARTNERSHIP: UPDATED STRATEGIC ECONOMIC PLAN (AUGUST 2016)
H.05	COVENTRY & WARWICKSHIRE EMPLOYMENT LAND USE STUDY (JUNE 2015)
H.06	RUGBY BOROUGH COUNCIL LOCAL PLAN 2011-2031
H.07	STATEMENT OF COMMON GROUND BETWEEN RUGBY BOROUGH COUNCIL, WARWICKSHIRE COUNTY COUNCIL (TRANSPORT AND ECONOMY) AND HIGHWAYS ENGLAND
H.08	RUGBY LOCAL PLAN RURAL PROPOSALS MAP JUNE 2019
H.09	NORTH WARWICKSHIRE LOCAL PLAN CORE STRATEGY (OCTOBER 2014)
H.10	THE WARWICKSHIRE LOCAL TRANSPORT PLAN 2011 -2026
H.11	WARWICKSHIRE WASTE CORE STRATEGY (JULY 2013)
H.12	EMERGING DRAFT WARWICKSHIRE MINERALS PLAN 2018
H.13	THE WEST MIDLANDS LOCAL TRANSPORT PLAN 2011 - 2026
I	TRANSPORT AND TRAFFIC
I.01	DEPARTMENT FOR TRANSPORT (DFT) ROAD INVESTMENT STRATEGY (2014)
I.02	TRANSPORT DATA PACKAGE
I.03	TRANSPORT MODELLING PACKAGE
I.04	HIGHWAYS ENGLAND DELIVERY PLAN 2015-2020

Appendix 2: Status of Negotiations with Landowners (07/10/2019)

Plot Ref	Description of Property	Freehold Owner	Progress of land negotiations to date/ Any stakeholder issues outstanding
2	Site B, Leofric Business Park, Binley, Coventry, CV3 2TF	Nel Nominees Limited	No response from Nel Nominees Limited but see BMO Global Asset Management.
2	Site B, Leofric Business Park, Binley, Coventry, CV3 2TF	BMO Global Asset Management	<p>15/08/2019- contact from Blanche Longley MRICS on behalf of BMO Global Asset</p> <p>29/08/2019 Jonathan Scott Smith of Knight Frank appointed</p> <p>05/09/2019 - Call from Jonathan Scott Smith (Knight Frank). He has been passed correspondence by Blanche. He will go through the information he has been passed tomorrow afternoon (06/09). He will come back to me with any questions on Monday. He will also let me know about meeting to go through construction plan.</p> <p>10/09/2019 Call from Jonathan Scott Smith (Knight Frank). Land is trees and landscaping land. He believes commercial values. He doesn't see a need to have a meeting regarding the construction programme. He will inspect towards the end of the month when he has other inspections. If there are anything that comes of that inspection he will contact me to look into the matter.</p>
3	Land on the South East of the A46, Binley Woods, Coventry Agricultural land adjoining Greens Garden Centre	7 Owners	<p>06/08/2019 - Simon Tivey of Fisher German LLP appointed for all landowners</p> <p>02/09/2019 - Simon Tivey said that once matters are satisfactorily resolved and the representations deadline has passed we can seek to commence valuation discussions in earnest.</p>

			04/10/2019 - Advised that Highway England's formal response to the landowners' objection will go out today and to set up a meeting to reach an agreement.
4	Warehouse (Millbrook Health Care) at Progress Close, Leofric Business Park, Binley, Coventry, CV3 2TF	Trustee of The Raymond Gregory MacDowell SIPP	<p>15/08/2019 - Email sent to Steve Werner of Peter Clarke to start discussions on compensation, values and acquiring land by agreement.</p> <p>04/09/2019 - Steve Werner said initial values I sent to him on the low side. He is expecting commercial values. I said have a look at the Ramac case which will explain my approach.</p> <p>11/09/2019 - Steve Werner said that he will continue discussions with RC and expect values to be agreed at the GVD date. Rupesh Chauhan said that we will try and agree values as soon as possible.</p>
5	Brandon Court, Progress Way, Binley Industrial Estate, Coventry, CV3 2TE	Real Estate Investors plc	<p>23/08/2019 - Email sent to Ian Clarke of Real Estate Investors plc to start discussions regarding values and compensation.</p> <p>02/09/19 - Ian Clark asked that before we get into too much detail, how long after the opening of the Scheme can I make a claim for Injurious Affection. Advised period of 6 years from when the cause for compensation</p> <p>11/09/2019 - Ian Clark to continue discussion regarding acquisition by agreement with Rupesh Chauhan.</p>
6	Land to the north east of Discovery Way, Binley, Coventry. Wickman Coventry Ltd.	Compaut S.R.L. Occupied by Wickman Coventry Ltd.	<p>14/08/2019- Wickman to appoint a surveyor to represent them to start discussions as to acquiring land by agreement, values and compensation after ownership of Progress Way sorted out.</p> <p>18/09/2019- Ownership of Progress Way has been sorted out. Deeley Understood to be owners. Wickman to contact their surveyor to start discussions with District Valuer.</p>
7	Private road known as Progress Way,	Deeley Properties Limited as freeholders	29/04/2019 - Selina Wakeham had a telephone call with Pat Moroney (Deeley Properties) whereby they said that there is no compensation

	Binley, Coventry	Coventry City Council as it is adopted highway maintainable at public expense.	payable and he is very amenable to assisting Highways England. 02/08/2019 - Andrew Brazier taken over from Pat Moroney and has been asked if he wants to meet to discuss anything and has not responded.
7	Private road known as Progress Way, Binley, Coventry	Coventry City Council as it is adopted highway maintainable at public expense. Deeley Properties Limited as freeholders	It is assumed that a Side Roads Order (SRO) will authorise a Highways England to make use of this road and that appropriate diversions can be made.
8	B & Q plc and electricity sub station, Brandon Road, Binley, Coventry CV3 2AN Land outside that demised to B & Q plc	The Right Honourable Robert Norman Edmiston Baron Edmiston Andrew Martin Edmiston The Right Honourable Tracie Jacqueline Edmiston Baroness Edmiston	12/08/2019 - Email from Jonathan Grey (Gateley Hamer) acting for IM Properties 27/09/2019 – Meeting Actions: Rupesh Chauhan to continue discussions with Jonathon Gray to agree fee rates or a capped amount. 30/09/2019 - Email to Jonathan Gray to discuss reasonable fees. I expect discussions to start shortly regarding acquiring land by agreement, values and compensation.
9	Land and buildings known as Greens Home & Garden, Rugby Road, Binley Woods, Coventry CV3 2AX	Janette Frances Green	26/07/2019 - Email from Jonathan Grey (Gateley Hamer) acting for Mrs Green 27/09/2019 – Meeting Actions: Rupesh Chauhan to continue discussions with Jonathon Gray to agree fee rates or a capped amount. 30/09/2019 - Email to Jonathan Gray to discuss reasonable fees. I expect discussions to start shortly regarding acquiring land by agreement, values and compensation.
12	Part of public highway and footways, known as Rugby Road,	Warwickshire County Council confirm owners of this plot of land.	17/09/2019 – Warwickshire County Council confirm owners of this plot of land. Adrian Hart (WCC) to send over plans they have confirming this. He will also send over details of the surveyor in the Estates team that will be able to

	Binley, Coventry.		<p>progress discussions in respect acquiring the land needed for the Scheme by agreement.</p> <p>09/10/2019 - Email sent to Alison Fowler (Team Leader - Assets, Acquisitions and Disposals at WCC)</p> <p>Stating that I understand that Warwickshire County Council's land ownership is likely to be affected by Highways England's proposals and I have been asked to contact them as part of the engagement process and to open negotiations to acquire the land interests that are required to deliver this improvement by agreement.</p> <p>I wanted to clarify ownership of plot 12. I understood that WCC had land plans that can be sent through. Once confirmed I can arrange for the plan to be amended.</p> <p>I asked Alison if she is able to confirm whether Warwickshire County Council is willing to transfer the land and grant a licence over the part required temporarily. Asked is wanted a meeting to discuss.</p>
14	Part of public highway and footways, known as Oakdale Road, Binley, Coventry.	Not part of the Orders	Not part of the Orders
16, 21, 23	Broadstreet Rugby Football Club	Trustees of Broadstreet Rugby Football Club	<p>05/09/2019 - Email sent to Richard Skene to start discussions regarding acquiring the land needed for the Scheme by agreement, values and potential compensation. Asked if the club will be appointing a surveyor.</p> <p>10/09/2019 - Email from Richard Skene:</p> <p>"The club is keen to progress all aspects, by agreement, relating to the CPO.</p> <p>I believe it is the clubs intention use the advice of legal and technical expertise together with that of Sport England & RFU.</p>

			With regard to the sequence of the approach I would like to discuss with the officers of the club.”
17	Premier Inn, Rugby Road, Binley Woods, Coventry, CV3 2TA	Whitbread Group plc	30/08/2019 - Email sent to James Godfrey of Gerald Eve to start discussions on values and compensation. I understand that he will not be dealing with this himself but another surveyor in Gerald Eve. 24/09/2019 – Meeting Actions: James Godfrey is inform Tony Chase come back to Rupesh Chauhan on matters of acquiring the land by agreement, values and compensation.
17	Premier Inn, Rugby Road, Binley Woods, Coventry, CV3 2TA	Western Power Distribution (East Midlands) plc (wayleave, in respect of overhead electricity supply lines)	A GPR statutory utility workshop has been proposed to discuss issues with statutory utility providers (proposed meeting date 13 or 20 September 2019).
18	Warwickshire Shopping Park	Aviva Life & Pensions UK Limited	12/09/2019 - Advised that Nick Carter (JLL) has been appointed. He is seeking a fee undertaking for his fees. Email sent in response enclosing previous correspondence, proposed construction programme and seeking fee basis. Asked if wanted a meeting. 30/09/2019 - Email sent to Nick Carter (JLL). Asking him to justify hourly rate is reasonable. Also asked for dates for meeting week commencing 07/09/19.
19	Land on the east side of A46, Binley, Coventry	Unknown	
21	Broadstreet Rugby Football Club	See above	
22	Land to the south of Brinklow Road, Binley, Coventry	Coventry City Council	02/09/2019 - Email from Jo Mascarenhas: Philip Cowan at Godfrey Payton will act on behalf of the Council in respect of the CPO for parcel 22. 17/09/2019 - Email from Jo Mascarenhas Godfrey Payton dealing. She will ask if he wants to attend meeting.

23	Broadstreet Rugby Football Club	See above	
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