

(CORRECTED NOTICE)

**FOR THE ATTENTION OF THE OWNER, LESSEE, TENANT,
OCCUPIER OR ANYONE WITH AN INTEREST IN THE
LAND DESCRIBED BELOW**

**NOTICE OF CONFIRMATION OF A COMPULSORY
PURCHASE ORDER**

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

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

1. Notice is hereby given that the Secretary of State for Transport, in exercise of his powers under the above Acts, on 27 May 2020 confirmed with modifications THE HIGHWAYS ENGLAND THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) COMPULSORY PURCHASE ORDER 2019 (“the Order”) submitted by Highways England Company Limited (“Highways England”).

2. The Order as confirmed provides for the purchase for the purpose of: -

- (a) the improvement of the A46 Coventry Eastern Bypass Trunk Road between Oaktree Road and B4428 Brinklow Road;
- (b) the construction of new trunk roads to connect to the above mentioned highway with the existing A46/A428 detrunked roundabout at Binley Woods, Coventry;
- (c) the improvement of existing highways in the vicinity of the route of the above mentioned highway in pursuance of THE HIGHWAYS ENGLAND THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) (SIDE ROADS) ORDER 2019;
- (d) the use of land in connection with the construction or improvement of highways or with the carrying out of works authorised under THE HIGHWAYS ENGLAND THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) (TRUNKING) ORDER 2019 and THE HIGHWAYS ENGLAND THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) (SIDE ROADS) ORDER 2019; and
- (e) mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof.

of land and new rights in the City of Coventry, and in the Parish of Binley Woods in the borough of Rugby in the County of Warwickshire, described in Schedule 1 hereto.

3. A copy of the Order as confirmed by the Secretary of State for Transport and the Map referred to therein may be inspected on the Highways England website at www.highwaysengland.co.uk/projects/a46-coventry-junctions-upgrade or requested free of charge by

email: A46CoventryJcns@highwaysengland.co.uk or Telephone: 0300 123 5000.

4. The Order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the Order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the Order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the Order.

5. Once the Order has become operative, Highways England may acquire any of the land and new rights described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.

6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the Order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to Highways England, The Cube, 199 Wharfside Street, Birmingham, B1 1RN about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

DESCRIPTION LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

NOTE:

The land comprised in the items in this Schedule is identified on the Maps referred to in the Order by means of the numbers shown in brackets against that item in this Schedule.

IN THE CITY OF COVENTRY, AND IN THE PARISH OF BINLEY WOODS IN THE BOROUGH OF RUGBY IN THE COUNTY OF WARWICKSHIRE

All interests in 217 square metres of part of existing compound landscaping including trees and boundary fence of Site B, Leofric Business Park, Binley Coventry, CV3 2TF (**Plot 2B / 2C**).

All interests in 6738 square metres of part of an existing field to the South East of the A46, Binley Woods, Coventry. (**Plot 3B / 3C / 3D / 3E / 3F**).

All interests in 539 square metres of part of the existing vegetation in front of the carpark at the warehouse on Progress Road, Leofric Business Park, Binley, Coventry, CV3 2TF (**Plot 4A / 4C**).

All interests in 1578 square metres of part of Part of existing vegetation and grassed landscaping in front of Brandon Court, Progress Way, Binley Industrial Estate, Coventry, CV3 2TE (**Plot 5B / 5C**).

All interests in 855 square metres of part of existing vegetation to the north east of Discovery Way, Binley, Coventry (**Plot 6A**).

All interests in 426 square metres of part of Private road known as Progress Way, Binley, Coventry to the north east of Discovery Way (**Plot 7A**).

All interests in 1631 square metres of part of Private road known as Progress Way, Binley, Coventry to the north east of B&Q Plc, Brandon Road, Binley, Coventry CV3 2AN (**Plot 8B / 8D**).

All interests in 1645 square metres of part of existing storage area, vegetation and car park for Greens Home & Garden, Rugby Road, Binley Woods, Coventry CV3 2AX (**Plot 9B / 9C**).

All interests in 467 square metres of part of the southern verge and carriageway of the A428 Rugby Road, Binley Woods, Coventry (**Plot 12B**).

All interests in 1382 square metres of part of existing environmental bund and existing carpark circulatory for the Broadstreet Rugby Football Club, 105 Rugby Road, Binley Woods, Coventry, CV3 2AY (**Plot 16A / 16B**).

All interests in 355 square metres of part of existing vegetation adjacent to the Premier Inn, Rugby Road, Binley Woods, Coventry, CV3 2TA (**Plot 17A**).

All interests in 771 square metres of part of existing vegetation adjacent to the Warwickshire Shopping Park (including units 4, 5, 7, 8, 11, 13, 14 and 19), Binley, Coventry (**Plot 18D**).

All interests in 2213 square metres of existing verge on the east side of A46, Binley, Coventry (**Plot 19A / 19C / 19D**).

All interests in 4768 square metres of part of existing vegetation and field adjacent to Ivor Preece Field, Brinklow Road, Binley, Coventry (**Plot 21B / 21C**).

All interests in 423 square metres of existing vegetation adjacent on the west of the A46, south of Brinklow Road, Binley, Coventry (**Plot 22A / 22B**).

All interests in 6266 square metres of part of the existing access road from Brinklow Road and field to the east of the A46 and north of Rugby Road, Coventry (**Plot 23A / 23B**).

The right to enter upon 1459 square metres of part of the existing access road from Brinklow Road and field to the east of the A46 and north of Rugby Road, Coventry to inspect and maintain drainage attenuation pond and infrastructure. (**Plot 23E**).

SCHEDULE 2

STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once ‘THE HIGHWAYS ENGLAND THE A46 TRUNK ROAD (COVENTRY JUNCTIONS UPGRADE (BINLEY)) COMPULSORY PURCHASE ORDER 2019 (“the Order”) submitted by Highways England Company Limited has become operative, Highways England Company Limited (hereinafter called “Highways England”) may acquire any of the land and/or rights described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the Act”). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land and/or rights in Highways England at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after Highways England execute a general vesting declaration, they must serve notice of it in on every occupier of any of the land specified in the declaration (except land where this is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the Order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration of not less than three months, will begin to run. On the first day after the end of this period the land and/or rights described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in Highways England together with the right to enter on the land and take possession of it. Every person on whom Highways England could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3. The “vesting date” for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act with that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a “minor tenancy”, i.e. a tenancy for a year or yearly tenancy or a lesser interest, or “a long tenancy which is about to expire”. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that Highways England may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice

to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3

FORM FOR GIVING INFORMATION

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

To: Highways England (Reference: The A46 Coventry Junctions (Binley))

The Cube, 199 Wharfside Street, Birmingham, B1 1RN

[I] [We] being [a person][persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provision of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

1. Name and address of informant(s) (i).....

2. Land in which an interest is held by informant(s) (ii).....

3. Nature of interest (iii).....

Signed.....

[on behalf of].....

Date.....

- (i) In the case of a joint interest the names and addresses of all the informants
- (ii) The land should be described concisely
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number

In light of the COVID 19 restrictions this form can be returned by email to A46CoventryJcns@highwaysengland.co.uk

Further information on this notice may be obtained from the Highways England (Birmingham) office at the address above or by telephone: 0300 123 5000 or by email: A46CoventryJcns@highwaysengland.co.uk

Authorised by:

Sally Keith

Legal Director

Highways England Company Limited

Date: 18 June 2020