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Addressee as on envelope

Dear Sir or Madam

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
M1 JUNCTION 19 IMPROVEMENT**

1. We are directed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government (“the Secretaries of State”) to refer to the concurrent public local Inquiries (“the Inquiry”) that sat for a total of 9 days between 5 March 2013 and 15 March 2013 before Diane Lewis, BA(Hons), MCD, MA, LL.M, MRTPI, an independent Inspector appointed by the Secretaries of State, to hear objections to, and representations about, the following draft Orders and Schemes;

The M1 Motorway (Junction 19 Improvement) (A14 Trunk Road) Order 20_ (“LO”);

The M1 Motorway (Junction 19 Improvement) (M1 Motorway Connecting Roads) Scheme 20_ (“CRSM1”);

The M1 Motorway (Junction 19 Improvement) (M6 Motorway and Connecting Roads) Scheme 20_ (“CRSM6”);

The M1 Motorway (Junction 19 Improvement) Side Roads Order 20_; (“SRO”) and

The M1 Motorway (Junction 19 Improvement) Compulsory Purchase Order (MP No._) 20_ (“CPO”).

2. This letter conveys the decision of the Secretaries of State on whether the above three draft Orders and two draft Schemes should be made following their consideration of the Inspector's report.

3. Junction 19 is located some 7km to the north east of Rugby and 23km east of Coventry and the key objective of the published scheme is to separate local traffic from long distance traffic and improve road safety. The purpose of the draft Orders and Schemes, if made as published, is to provide free-flow links for the major turning movements at Junction 19, whilst retaining the M1 on its current alignment allowing free-flow traffic to pass between the M6 and A14. The layout provides for a three-level interchange involving the construction of six new bridges and the demolition of two existing bridges (referred to hereafter as the "published scheme").

THE INSPECTOR'S REPORT

4. A copy of the Inspector's report is enclosed. In this letter, references to paragraph numbers in the Inspector's report are indicated by the abbreviation "IR".

5. The Inspector recorded at IR 1.8 that at the start of the Inquiry there were four statutory objections outstanding from landowners affected by the proposal and 19 non-statutory objections, of which 17 related to the junction layout and turning movements. An additional objection from a landowner affected by the proposed scheme came forward at the Inquiry. There were also nine outstanding representations. A number of other objections were withdrawn as described in IR 1.8. The main grounds of objection are summarised briefly at IR 1.11.

THE DECISION OF THE SECRETARIES OF STATE

6. The Secretaries of State have carefully considered the Inspector's report together with all the objections, alternative proposals, counter objections, representations and expressions of support made, both orally and in writing, and all post-inquiry correspondence. In reaching their decision, they have also considered the requirements of local and national planning, including the requirements of agriculture, as required by section 10(2) in Part II of the Highways Act 1980.

7. The Secretaries of State note that the Inspector concluded at IR 8.17 that there is a general consensus and strong support for the proposed scheme and none of the objections relate to the principle of the Improvement. It is also noted that there is a compelling case for a scheme to be brought forward without delay.

8. The Secretaries of State are satisfied that the Inspector's conclusions cover all material considerations and propose to accept her recommendations, subject to their comments in the following paragraphs.

Decision on the Environmental Statement

9. The Secretary of State for Transport ("the SoSfT") is satisfied that the requirements of European Directive No. 85/337/EEC, as amended by Directive No. 97/11/EC and Directive No. 2003/35/EC, as consolidated in Directive 2011/92/EU, and implemented by sections 105A, 105B, 105C and 105D of the Highways Act 1980, have been complied with fully in respect of the published scheme ("the project" for the purpose of the Directive). The SoSfT is also satisfied that the Environmental Impact Assessment undertaken for the project and the Environment Statement, have properly identified, assessed and addressed all significant environmental effects, and considered and given reasons for dismissing the main alternatives, as well as assessing the proposed measures to minimise these impacts. The SoSfT is satisfied that members of the public and others concerned have been given reasonable opportunity to express their opinion before deciding whether to proceed with the project to which the assessment relates. Therefore, having considered the Statement and any opinions expressed on it by the public and others, and taking into account the Inspector's conclusion at IR 8.41, the SoSfT has decided to proceed with the project to which the assessment relates. For the purpose of section 105B(6) of the Highways Act 1980, publication of the SoSfT's decision to proceed with the scheme will be given by public notice as set out in section 105B(7).

Decision of the Orders and Schemes

Legal matter

10. The Secretaries of State note the Inspector's handling of the legal matter raised by the Highways Agency about the status of the objection by Swayfields (Rugby) Limited and whether or not Deutsche Postbank is able to adopt the statutory objection. This is reported in IR 1.14, IR 7.31 and IR 8.5 to IR 8.7.

11. The Secretaries of State are satisfied with the way the Inspector dealt with this matter. They agree with the Inspector at IR 8.6 that on the available written evidence the current position of Swayfields (Rugby) Ltd. as a company is not clear and agree with her comments in IR 8.7 that, as a matter of fact, the objection has not been withdrawn. The Secretaries of State consider that, in this case, the best course of action is to treat the objection as being valid. Therefore, they agree that the

objection remains outstanding, notwithstanding the recent involvement of Deutsche Postbank, and it is appropriate that it should be considered accordingly. The substance of this objection is dealt with in paragraphs 29 to 32 below.

Junction Layout

12. The Secretaries of State note Mr Wilson's objection reported at IR 5.30 to IR 5.33 about the restricted movements of the proposed scheme, based primarily on traffic flows and the expansion of the Daventry International Rail and Freight Terminal. He contended that the proposed Junction should be improved to cater for all movements, as proposed by the 2002 Blue Option and the A14 upgraded to three lanes. He therefore supported Alternative Junction 1 claiming that the benefits outweigh the harm in the long term. The Secretaries of State further note the additional matters raised through written representations made on this matter reported at IR 7.81 to IR 7.95, and the Highways Agency's response at IR 7.39 to IR 7.41 and IR 7.47.

13. The Secretaries of State note the Inspector concluded at IR 8.27 that a junction layout designed to accommodate the major flows and exclude the lesser flows, is justified by the unchallenged traffic forecasts for the Design Year of the scheme of 2032 (IR 3.17). Furthermore, the Inspector found that the omission of links between the M6 southbound and the M1 north of the Junction, and between the A14 and the M1 south of the Junction, is not a deficiency in the published scheme. The Secretaries of State accept, for the reasons the Inspector gave, that all the objections to the proposed scheme on this matter are not sustained.

Local Link Road ("LLR") and Alternative 7

14. The Secretaries of State note the main concern made by Messrs Turney about the proposed LLR reported at IR 5.19 to IR 5.23 and the major implications it will have on their farming operations. They also raised concerns about its need and design, and on the width of its verge, together with other related matters. These have been considered alongside the support for Alternative 7 in IR 5.13, which is the scheme without the LLR.

15. The Secretaries of State note the Inspector's conclusions reported at IR 8.28 to IR 8.35 and agree, for all the reasons she has given, that the LLR is an essential element of the proposed scheme. They also agree with the Inspector that there is no evidence that its inclusion is to avoid the cost of reinstatement of the land to agriculture after the provision of a temporary route during construction. Furthermore, they agree with the Inspector's overall conclusion in IR 8.35 that Alternative 7 offers no material advantage over the proposed scheme and accept that

Alternative 7 should not be investigated further. The other remaining objections of Messrs Turney reported in IR 5.18 to IR 5.29 are considered in paragraphs 24 and 25 below.

Alternative Junction Layouts

16. The Secretaries of State note that there were five alternative junction layouts proposed – Alternatives 1, 3, 8, 9, and 10, and the case for those who supported these, either individually or generally, are recorded at IR 5.33 and IR 5.45 to IR 5.69. It is also noted that those who made counter-objections against some of these alternatives are reported in IR 6.6 to IR 6.11 and the Highways Agency’s response at IR 7.51 to IR 7.80

17. The Secretaries of State note that the junction layout in the proposed scheme would not provide for all-turning movements and this led to a number of objections from businesses and individuals. They further note that each of the five alternative junction layouts were considered by the Inspector who reached conclusions on each of them in IR 8.50 to IR 8.59. The Inspector confirmed at IR 8.59 she had already reached a conclusion in IR 8.27 that the proposed scheme would perform well in relation to existing and forecast traffic flows and that objections based on the exclusion of lesser flows are not substantiated. She went on to consider the economic, social and environmental factors together, and concluded that none of the Alternatives offered any material advantage over the proposed scheme. Furthermore, she also found that all the Alternatives performed less well in meeting the scheme’s objectives and planning policy requirements. The Secretaries of State, after considering all the evidence, accept the Inspector’s overall conclusion in IR 8.59, and agree with her reasoning and findings, that none of the alternative junction layouts should be investigated further. It is also noted in IR 5.69 that Alternative 5 was not pursued after Mr Barnard withdrew his objection.

Additional Links in the Future

18. The Secretaries of State note the concerns raised by Messrs Undy, Salaman and Richards reported in IR 4.1 to IR 4.6 and the representations from the Coventry and Warwickshire Federation of Small Businesses, the Coventry and Warwickshire Local Enterprise Partnership, and Hako Machines Limited at IR 4.13 on whether the proposed scheme would prejudice additional links in the future. They have also considered the related matters made by Rugby Borough Council and Northampton Country Council reported in IR 5.66 and IR 5.67, respectively.

19. The Secretaries of State note the conclusions reached by the Inspector on this matter in IR 8.60 to IR 8.61 and agrees with her overall conclusion in IR 8.62 that, for the reasons she gives, the proposed scheme meets the objectively assessed traffic needs with sufficient flexibility to adapt to change. They also agree that this approach is consistent with the principles of sustainable development in the National Planning Policy Framework.

Bridleway Route X12 and Alternative Bridleway 1

20. The Secretaries of State note the concerns of Messrs Grindal reported at IR 5.4 that the published bridleway route is not considered appropriate and of their support for the Alternative Bridleway Number 1 at IR 5.7 to IR 5.12. They also had regard to Mr D Lloyd's support for this alternative recorded in IR 5.14, and these together have been considered alongside the Highways Agency's response in IR 7.1 to IR 7.13.

21. The Secretaries of State in considering this matter note the Inspector's conclusions on the published bridleway route reported in IR 8.68 to IR 8.75 and on Alternative bridleway Number 1 in IR 8.76 to IR 8.82. They particularly note her conclusion in IR 8.75 that the published scheme satisfies planning policy requirements to enhance biodiversity and to secure high quality and accessible green infrastructure. Furthermore, the route along the River Avon would also contribute to a key scheme objective to improve conditions for vulnerable users.

22. The Secretaries of State also note the Inspector's overall conclusion in IR 8.81 that the merits of Alternative Bridleway 1 have been over-stated by the promoters. Moreover, she found that the published scheme proposal for the bridleway performs better in meeting key objectives for the proposed improvement scheme and the planning policy objectives in Harborough District Core Strategy and the National Planning Policy Framework. The Secretaries of State therefore accept the Inspector's overall conclusion in IR 8.81 and agree, for the reasons she gives, that the proposal in the published scheme is justified and the proposed modification should not be adopted.

23. The Secretaries of State have also had regard to the Inspector's comment in IR 8.82 about whether greater weight and priority should be attached to agricultural interests. On the evidence before them, they take the view that the Inspector has considered this appropriately by taking into account and giving due weight to all the relevant factors. The

Secretaries of State are therefore satisfied that she has arrived at an acceptable solution in dismissing Alternative Bridleway 1. For this reason, they do not therefore propose to disagree with her conclusion.

Messrs Turney

24. The Secretaries of State note the remaining objections made by Messrs Turney reported at IR 5.18 to IR 5.29 relating to the design of the LLR, private rights of way and private means of access, and the effects on amenity in so far as they may affect Tomley Hall Farm. Their main concern regarding the need for the LLR and Alternative 7 has already been addressed at paragraphs 14 and 15 above.

25. The Secretaries of State in considering the remaining concerns of Messrs Turney, have decided, for the reasons the Inspector has given, to accept her conclusions, on the design of the LLR reported in IR 8.86 to IR 8.89, on the means of access in IR 8.90 and IR 8.91, on the amenity issues in IR 8.92 to IR 8.94, and the effect of the proposed scheme on Tomley Hall Farm in IR 8.95. Furthermore, they fully endorse the statement in IR 8.95 that careful and thorough consideration has been given to the effect of the published scheme on Tomley Hall Farm, including how farming practices may be influenced by public access. They also agree with the Inspector in IR 8.96 that such matters as those referred to will be the subject of accommodation works to be agreed later.

Mr S E Morris and Mrs J R Morris

26. The Secretaries of State note in IR 5.16 and IR 5.17 that Mr and Mrs Morris explained that the proposed bridleway X6 would cross over their land where there had never been a bridleway before. They explained this caused them concern about the effects this would have on their stock. The Secretaries of State also note that it is reported in IR 5.17 that following discussions the Highways Agency promoted an amended proposal that would re-route upgraded bridleway X6, as reflected in the modifications now proposed to the Orders.

27. The Secretaries of State note the Highways Agency's response to this matter in IR 7.30 that as a result of discussions with Mr and Mrs Morris, they offered to re-route proposed bridleway X6 along the side of their field boundary. This modification has the beneficial effects of removing the existing footpath that runs across the centre of their northern field and moves the footpath in the southern fields along the boundary. It would also overcome their objection, and be acceptable to Mr and Mrs Morris provided the modification is confirmed. It is reported in IR 5.17 that their objection to the drainage ponds also was withdrawn as a result of the proposed modifications by the Highways Agency.

28. The Inspector concluded at IR 8.97 that the Highways Agency's proposed modification to the route to follow the field boundary would be an appropriate solution in association with proposed fencing. The Secretaries of State therefore accept the Inspector's conclusion that their objection would therefore be resolved.

Swayfields (Rugby) Limited ("Swayfields")

29. The Secretaries of State, having decided above to accept the objection made by Swayfields, note their concerns reported in IR 5.34 to IR 5.42. This stated that the published scheme would prevent the development of their land as permitted by an outline planning permission, which meant they were unable to dispose of the land and recover its value. They further contended that the Highways Agency failed to demonstrate there is a compelling case in the public interest for the use of compulsory purchase powers. These concerns, together with the others matters they have raised, have been considered alongside the Highways Agency's response reported in IR 7.31 to IR 7.46, which referred to the planning consent for a Roadside Service Station, the outcome of the public consultation in 2008, and the Government's funding of the published scheme and other matters. The Highways Agency also confirmed that there was a compelling case in the public interest for the Compulsory Purchase Order.

30. The Secretaries of State note the Inspector's conclusions in IR 8.98 to IR 8.102 on the main objection central to Swayfields' case, in which they maintain that the outline planning permission for a Roadside Service Area ("RSA") granted on 6 June 2000 remains extant. The Secretaries of State have considered the evidence before them on this matter, but are guided by the statement made by the Highways Agency in IR 7.33 that there is no evidential basis to support this claim, and by the Inspector's statement in IR 8.98 that, as a matter of fact, no evidence was produced by Swayfields to support their case that the development was lawfully commenced within the required timescale in that consent. The Secretaries of State have therefore decided that it is not appropriate for them to determine the current status of this planning consent in the context of this current statutory procedure with limited access to any substantiated evidence. Furthermore, they agree with the Inspector in IR 8.98 that, as a matter of law, if the planning permission is still extant, the implications for the value of the land will primarily be a matter of compensation to be considered at a later date.

31. Turning to Swayfield's other objection - the designation of a motorway service area as part of the proposed scheme, the Secretaries of State note that the Inspector found in IR 8.99 that this was originally associated with the earlier preferred route, the Blue Option (the background to the change from this to the published scheme is given in IR 7.39 and IR 8.101), and that this Option was not progressed through

the statutory process. They also accept the Inspector's further conclusions in IR 8.99 and agree that in any event a new planning permission would be required to develop land for use as an RSA with the new proposed junction scheme. The Secretaries of State also fully accept the Inspector's findings in IR 8.100 on the need for a RSA and agree with her conclusion that there is no necessity for the proposed scheme to include provision for development of an RSA and that this would not be a significant factor in justifying an all-movement junction.

32. The Secretaries of State also note the statement made in IR 8.102 that refers to the consideration of the relevant development plan policies and national planning policies that apply to this matter, and they are therefore satisfied that the proposed scheme takes account of both local and national policies. They accept the Inspector's conclusion in IR 8.102 that this aspect of Swayfields' objection is unsubstantiated and has no merit.

CPRE Warwickshire ("CPRE")

33. The Secretaries of State note the objection made by CPRE reported at IR 5.44 that the published scheme should make possible and not prevent the future construction of the high-speed railway line alongside the M1 on its west side through the rebuilt interchange. It is also noted that CPRE stated that this would be the subject of late representations to the Secretaries of State.

34. The Secretaries of State also note that the Inspector recorded at IR 8.104 that CPRE would be making late representations, but nevertheless she went on to address the objection on the basis of the information available to her at the time. She concluded, for the reasons given in IR 8.104, that there is no justification to delay the proposed scheme to make provision in the design for the construction of a high-speed railway alongside the M1 on its west side through the rebuilt interchange. The Secretaries of State fully concur with the Inspector's conclusion. This matter is addressed again in paragraphs 38 and 39 below after considering the post-inquiry correspondence received from CPRE alongside the Inspector's report.

Modifications

35. The Secretaries of State note the Inspector's conclusions in IR 8.112 to IR 8.117 on the modifications proposed by the Highways Agency to the published draft Orders and Schemes described in Inquiry document number HA/38/01. They note the Inspector's findings that these modifications, for the reasons she gives, will improve the proposed scheme and reduce land-take, and may be made without anyone being substantially prejudiced. The Secretaries of State therefore accept the

Inspector's overall conclusion in IR 8.117 and agree, for the reasons she gives in IR 8.113 to IR 8.116, that they are justified and should be made.

Other Matters

36. The Secretaries of State note the matters raised individually by Mr Haynes in IR 5.62, Mr Horner in IR 5.63, Mr Robbins in IR 5.64, Mr Richards in IR 4.4 to IR 4.6, Mr Deacon in IR 5.59, Converteam UK Limited in IR 5.49 and Too Zarr Limited in IR 5.43, where these have not already been addressed above. In considering these matters, the Secretaries of State further note that the Inspector considered each of them in IR 8.105 to IR 8.111 and, for the reasons she gives, they accept her conclusions on each one of them.

Post-Inquiry Correspondence

37. Since the Inquiry closed on 15 March 2013, Mark Sullivan on behalf of CPRE Warwickshire, submitted a bundle of documents containing letters addressed to CPRE, other letters and related plans, which it was claimed were not provided to the Inspector by the Highways Agency. They considered these are pertinent to their objection referred to in paragraphs 33 and 34 above and should be considered by the Secretaries of State.

The Secretaries' of State decision on the Post-Inquiry correspondence

38. The Secretaries of State note that the only post-inquiry correspondence received was that from CPRE referred to in paragraph 37 above. This included four letters from the Highways Agency to CPRE, a copy of a reply from HS2 Limited to the Highways Agency, and a full copy of a plan titled, "Railfuture HS M1-M6 Plan 42 Shawell 25K". As required in these matters, the Secretaries of State have considered these alongside the Inspector's report and their initial findings on CPRE's objection in paragraph 33 above. They have decided that the contents of these documents do not cause them to disagree with the Inspector's conclusions and see no reason to come to a different decision from that taken in paragraph 34, or consequently on the making of the draft Orders and Schemes in paragraphs 39 to 41.

The Secretaries' of State Decision on Draft Orders and Schemes

The LO, CRSM1 and CRSM6

39. The Secretaries of State note the Inspector's conclusions in IR 8.118 and, for the reasons she has given, accept her recommendation in IR 9.2, IR 9.3 and IR 9.4 that the draft LO and the two draft Schemes, CRSM1 and CRSM6, be modified as set out in Inquiry document HA/38/01 and, that as so modified, be made. The Secretaries of State are satisfied that these modifications do not, in their

opinion, make a substantial change to the published draft LO or Schemes for the purposes of the provisions in paragraph 8(3) and paragraph 15(3) respectively of Schedule 1 to the Highways Act 1980.

The SRO

40. The Secretaries of State note the Inspector's conclusions in IR 8.119 on the draft SRO and, for the reasons she has given, accept her recommendation in IR 9.5 that the draft SRO be modified as set out in Inquiry document HA/38/01 and, that as so modified, be made. The Secretaries of State are satisfied that these modifications do not, in their opinion, make a substantial change to the published draft SRO for the purposes of the provisions in paragraph 8(3) of Schedule 1 to the Highways Act 1980.

The CPO

41. The Secretaries of State agree with the Inspector's conclusions at IR 8.120 to IR 8.123 on the proposed modifications to the draft CPO and, for the reasons she has given, accept her recommendation in IR 9.5 that the CPO be modified as set out in Inquiry document HA/38/01 and that the Order, as so modified, be made. The decision of the Secretaries' of State to modify the CPO is given on the understanding that, for the purposes of paragraph 5 of Schedule 1 to the Acquisition of Land Act 1981, if any additional land-take is required from that shown in the draft CPO to implement the modifications, the written agreement of the relevant landowners for these changes has or will be obtained, otherwise the CPO cannot be modified.

Public Notices

42. When the public notice referred to in paragraph 9 above is given, any person who is aggrieved by the Secretary of State for Transport's decision to proceed with the published scheme and wishes to question its validity, or of any particular provision contained in it, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements may, under the provisions in section 105D of the Highways Act 1980, do so by application to the High Court. Such application must be made within six weeks of publication of the notice. The decision to which the notice applies shall not be questioned in any other legal proceedings whatsoever.

43. Public notice will also be given when the Orders and Schemes referred to in this letter are made. Any person who wishes to question their validity, or any particular provision contained in them, on the grounds that the Secretary of State for Transport has exceeded his powers, or has not complied with the relevant statutory requirements may, under the provisions of schedule 2 of the Highways Act 1980 and

section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Orders have been made.

Compensation

44. After the CPO has been made, the qualifying persons, in relation to the land included in the made Order, will be approached about the amount of compensation payable to them in respect of their interest in the land. If the amount cannot be agreed with the valuer instructed by the Highways Agency, on behalf of the Secretary of State for Transport, the matter may be referred for determination to the Lands Tribunal under the Lands Tribunals Act 1949 and the Land Compensation Acts 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

Availability of the Inspector's Report

45. A copy of this letter and the Inspector's report has been sent to all statutory objectors and to any other person who, having appeared at the Inquiry, has asked to be notified of the decision of the Secretaries of State. Any person who is entitled to be supplied with a copy of the Inspector's report may apply to the Secretary of State for Transport within six weeks of receipt of this letter, to inspect any document appended to the report. Any such application should be made to Tony Sherwood (telephone number 0207 944 6086) at the Department for Transport. Applicants should indicate the date and time (within normal office hours) when they propose to make the inspection. At least three days' notice should be given, if possible.

Yours faithfully

Fiona C Wilson

Fiona Wilson
On behalf of the Secretary of State for Transport

Rachael Pipkin

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On behalf of the Secretary of State for Communities
and Local Government