



**Report to the Secretaries of State for  
Transport and for Communities and Local  
Government**

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An Inspector appointed by the Secretaries of State for Transport and for Communities and Local  
Government

Date: 16 May 2013

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**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) (A14 TRUNK  
ROAD) ORDER 20\_**

**THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) (M1 MOTORWAY  
CONNECTING ROADS) SCHEME 20\_**

**THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) (M6 MOTORWAY  
AND CONNECTING ROADS) SCHEME 20\_**

**THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) SIDE ROADS  
ORDER 20\_**

**THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) COMPULSORY  
PURCHASE ORDER (MP No. \_) 20\_**

Inquiry opened on 5 March 2013

Ref: DPI/F2415/10/15

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## ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

AADT	Annual Average Daily Traffic
ALC	Agricultural Land Classification
BCR	Benefit Cost Ratio
BMV	Best and Most Versatile
CEA	Comparative Environmental Assessment
CEMP	Construction Environmental Management Plan
CPO	Compulsory Purchase Order
CRS	Connecting Roads Scheme
CS	Core Strategy
m <sup>3</sup>	Cubic metres
dB	Decibel
DD	Deposited Document
Defra	Department for Environment, Food & Rural Affairs
DfT	Department for Transport
DIRFT	Daventry International Rail and Freight Terminal
DMRB	Design Manual for Roads and Bridges
DPB	Deutsche Postbank
EIA	Environmental Impact Assessment
ELS	Entry Level Stewardship
ES	Environmental Statement
ha	Hectare
HA	Highways Agency
HGV	Heavy goods vehicle
HLS	Higher Level Stewardship
HS2	High speed railway link
km	Kilometres
LDF	Local Development Framework
LLTP	Leicestershire Local Transport Plan 2011
LLR	Local Link Road
LPA	Local Planning Authority
LRN	Local Road Network
m	Metres; million pounds
mph	miles per hour
MSA	Motorway Service Area
NE	Natural England
NTS	Non-Technical Summary
PIM	Pre-inquiry meeting
PMA	Private means of access
PMS	Programme of Major Schemes
PRoW	Public Right of Way
PVB	Present Value of Benefits
PVC	Present Value of Costs
RSA	Roadside service area
RS	Regional Strategy
SM	Scheduled Monument
Sq m	Square metres
SR	Spending Review
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
The 1980 Act	Highways Act 1980 as amended
The Framework	National Planning Policy Framework
TEN	Ireland/UK/Benelux (Spain) Trans European Network
TPI	Targeted Programme of Improvements

## **CASE DETAILS**

### **The Trunk Road (Line) Order**

- The draft Order, under sections 10 and 41 of the Highways Act 1980, is known as the M1 Motorway (Junction 19 Improvement) (A14 Trunk Road) Order 20\_.
- The draft Order was published on 25 February 2010.
- The Order, if made, would authorise the construction of a new length of trunk road to connect with a new length of the M6 motorway and new connecting slip roads to the M1 motorway.

**Summary of Recommendation: That the Order be made with modifications.**

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### **The Connecting Roads Schemes**

- The draft Orders, under sections 16, 17 and 19 of the Highways Act 1980, are known as the M1 Motorway (Junction 19 Improvement) (M1 Motorway Connecting Roads) Scheme 20\_ and the M1 Motorway (Junction 19 Improvement) (M6 Motorway and Connecting Roads) Scheme 20\_.
- The draft Orders were published on 25 February 2010.
- The Orders, if made, would authorise the construction of two new slip roads to connect the M1 motorway with the A14 and the construction of a new length of M6 motorway to connect with the A14 Trunk Road and the construction of new connecting slip roads between the M6 and the M1 motorways.

**Summary of Recommendations: That the Schemes be approved with modifications.**

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### **The Side Roads Order**

- The draft Order, under sections 12, 18 and 125 of the Highways Act 1980, is known as the M1 Motorway (Junction 19 Improvement) Side Roads Order 20\_.
- The draft Order was published on 25 February 2010.
- The Order, if made, would authorise the stopping up of lengths of highway (including public rights of way) and private means of access, the improvement of highways, the construction of new highways and the provision of new private means of access.

**Summary of Recommendation: That the Order be made with modifications.**

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## **The Compulsory Purchase Order**

- The draft Order, is known as the M1 Motorway (Junction 19 Improvement) Compulsory Purchase Order (MP No.\_\_) 20\_ and is drafted under sections 239, 240 and 246 of the Highways Act 1980 as extended and supplemented by section 250 of that Act and under section 2 of the Acquisition of Land Act 1981.
- The draft Order was published on 25 February 2010.
- The Order, if made, would authorise the Secretary of State for Transport to purchase compulsorily land needed for the purpose of:
  - the construction of a special road in pursuance of the Motorway Scheme;
  - the construction of special roads in pursuance of the Connecting Road Schemes;
  - the construction of a new trunk road in pursuance of the Trunk Road Order;
  - the improvement of the A14 Trunk Road;
  - the construction and improvement of highways and the provision of new means of access to premises in pursuance of the Side Roads Order;
  - the diversion of watercourses and the execution of other works on watercourses in connection with the construction of special roads and the construction and improvement of other highways and the execution of other works mentioned above;
  - use by the Secretary of State for Transport in connection with such construction and the improvement of highways and the execution of other works mentioned above; and
  - the mitigation of any adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.

**Summary of Recommendation: That the Order be made with modifications.**

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## **1 INTRODUCTION**

- 1.1 Junction 19 on the M1 motorway forms the intersection between three major elements of the motorway and trunk road network – the M1 and M6 motorways and the A14 Trunk Road. The Junction also forms part of the local road network linking the villages in the surrounding area. Long distance and local traffic passes through a dumbbell roundabout arrangement beneath the elevated M1 carriageways.

- 1.2 The published scheme would replace the dumbbell roundabouts and provide new direct free-flow links between the A14 and M6 in both directions, the A14 westbound and the M1 northbound and between the M1 southbound and the A14 eastbound. The existing free-flow links connecting the M6 with the M1 southbound and the M1 northbound with the M6 would be retained. The scheme would segregate long distance traffic from local traffic, provide a new local link road and improve existing local roads. New footways and a new bridleway route along the River Avon also form part of the scheme.
- 1.3 The draft Line Orders, Side Roads Order (SRO) and the Compulsory Purchase Order (CPO) were published on 25 February 2010 (DD001-DD005)<sup>1</sup>. At the same time the findings of an Environmental Impact Assessment (EIA) were published in an Environmental Statement (ES) and Non-Technical Summary (NTS) (DD021-DD033).
- 1.4 The statutory process was suspended in June 2010 as a result of the Government's Spending Review. The process recommenced in October 2012 when the Secretary of State for Transport announced the intention to take the scheme through to public inquiry. The ES and the NTS were reviewed to confirm they were still valid and to update any information. During the two year period, design development had resulted in changes to the published scheme which would reduce land take. New information on land ownership came forward. Modifications to the published draft Orders, and the reasons for them, were set out in Document HA/16/01. Subsequently, discussions with land owners resulted in additional agreed minor changes leading to the Final Modifications and Revisions Document HA/38/01.
- 1.5 Objections and representations were received following the publication of the draft Orders and the public consultation on the ES between 25 February to 21 May 2010. The majority of the non-statutory objections were critical of the fact that the proposed scheme did not cater for additional movements at the Junction. Amongst the representations there was support for the scheme provided it did not prejudice future links for an all-movement junction. After the project recommenced in October 2012 the Highways Agency (HA) contacted all who had made representations on the scheme.
- 1.6 As part of this process the promoters of alternative junction layouts were asked to confirm if the HA had correctly interpreted their proposals. A total of six Alternative junction layouts were designed, including Alternative 7 with the scheme motorway and trunk road network but with the omission of the local link road. Preliminary drawings and a brief description of the Alternative junctions were published in the press on 24 January 2013 and appraisal reports were prepared prior to the Inquiry (HA/20/01 – HA/20/06). A future junction feasibility report was issued that appraised a

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<sup>1</sup> The reference in brackets is to deposited documents (DD). A list of documents is included at Appendix 2.

- future modification to the scheme in the form of two additional free-flow links (Future Option 1 HA/22/01).
- 1.7 In addition, statutory objectors promoted two options for alternative routes for the proposed bridleway over the triangle of land between the M1 and the A14 (Options 1 and 2 HA/21/01). Preliminary drawings and a brief description of the Alternative routes were published in the press on 24 January 2013 and comments invited. Two options were also put forward for alternative routes for the proposed bridleway between the A14 bridge over the River Avon and the village of Swinford (Options 3 and 4 HA/21/02). During the course of the Inquiry Alternative Bridleway Option 2 and Alternative Bridleway Options 3 and 4 were withdrawn. Modifications to enable the Scheme to proceed with the Alternative Bridleway 1 alignment are set out in HA/43/01.
- 1.8 At the start of the Inquiry 4 statutory objections were outstanding, all from land owners affected by the proposal. The objections from the Environment Agency, Rugby Borough Council and Northamptonshire County Council had been withdrawn. During the Inquiry Mr and Mrs Morris withdrew their objection subject to a modification to the draft Orders. Mr Lloyd, a land owner affected by the Scheme, came forward with an objection. There were 19 non-statutory objections, of which 17 related to the junction layout and turning movements. There were 9 outstanding representations, including those supporting future provision of additional links. The HA prepared a summary schedule of all objections, representations, supporters, counter supporters and general comments (HA/49).
- 1.9 The Inquiry opened on Tuesday 5 March 2013 at the Holiday Inn Hotel Junction 18 Rugby to hear objections and representations made following the publication of the draft Orders. The Inquiry sat for nine days and closed on 15 March 2013. The accompanied site visit took place on Thursday 7 March. The itinerary included sections of the motorway, trunk and local road network, the dumbbell roundabout, a truck stop on the A14 and farm holdings affected by the Scheme (INQ-2). Before the Inquiry I made an unaccompanied visit to the area when I walked along a number of footpaths and bridleways in the locality of Junction 19 and visited the villages of Swinford, Catthorpe, Lilbourne and Shawell. During the Inquiry I familiarised myself with other sections of the highway network.
- 1.10 A pre-inquiry meeting (PIM) had been held on 15 January 2013, at the same venue. The purpose of the meeting was to explain the scope and procedure at the Inquiry, to try and find out who would wish to appear and to set out key dates in the period up to the start of the Inquiry. Further details of the matters raised are provided in the notes of the meeting (INQ-1). The administration and programming of the Inquiry were dealt with by the independent Programme Officer (PO), Mrs Jayne Hallam.
- 1.11 The main grounds of objection voiced at the Inquiry focussed on public rights of way, the need for and the design of the local link road and the restricted traffic movements at the proposed junction. Alternative

Bridleway 1 was debated at some length. Three statutory objectors appeared in order to present their case – the Grindal Family Partnership, Mr Turney and Mr and Mrs Morris. Mr Lloyd objected to the route of the bridleway and spoke in favour of Alternative Bridleway 1. Ms Allen of the British Horse Society gave evidence on the proposed bridleways. Mr Wilson spoke in support of Alternative 1, an all-movement junction. At the end of their evidence, Mr Salaman, Mr Undy and Mr Richards, confirmed their support for the Scheme on the grounds that it would not prejudice additional links in future.

- 1.12 The Highways Agency confirmed that all necessary statutory procedures and formalities in connection with the promotion of the Orders have been complied with. The detailed documentation comprises HA/28.
- 1.13 There was concern expressed by statutory objectors over the timing of the Inquiry because it coincided with the lambing season, a very busy time in the farming year. The HA set out a number of reasons why an Inquiry date was fixed in March, referring to the Government's Growth Agenda and the avoidance of the Easter holidays. The programming of the Inquiry accommodated all objectors who wished to speak. The witnesses of the HA were available at all necessary times to respond to any questions or to go over their evidence for the benefit of those who were unable to attend when it was presented in-chief. No-one expressed the view that they had been unable to make their case or that they had suffered injustice. A point was taken on behalf of Mr Lloyd over lack of communication and provision of documents but the matter was resolved and not pursued further. Questions about notification of the PIM were answered and the Grindal family confirmed at the Inquiry the matter was no longer an issue.
- 1.14 A legal point was raised by the HA in connection with the ability of Deutsche Postbank to pursue a statutory objection by Swayfields (Rugby) Limited. This matter is covered in more detail later in the report.
- 1.15 The report contains a brief description of Junction 19 and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents are attached. Proofs of evidence are identified but these may have been added to or otherwise extended at the Inquiry, either during examination-in-chief or during cross-examination. My report takes account of the evidence as given, together with points brought out in cross-examination or through answers to questions of clarification.

## **2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 Junction 19 is located some 7 km to the north east of Rugby and 23 km east of Coventry. The Junction forms the intersection between the M1, M6

and the A14 and is a three-level grade separated interchange<sup>2</sup>.

- 2.2 At the lowest level is a partially signalised dumbbell roundabout arrangement, comprising two small roundabouts which do not allow full circular movement and are linked by a central connector road. The layout is constrained by a bridge structure, where only three lanes of traffic can be accommodated. It is difficult for heavy goods vehicles (HGVs) to negotiate due to the small inscribed diameter of the roundabouts. The arrangement and the connecting slip roads allow movements between the M6, the M1 north of Junction 19, the A14 and the local road network.
- 2.3 The second level of the Junction consists of the M1 passing over the dumbbell roundabouts and a free-flow link connecting the M1 northbound to the M6. The upper level consists of a free-flow link connecting the M6 to the M1 southbound. The existing structure replaced the former bridge on a new alignment as part of the Catthorpe Viaduct Replacement Scheme undertaken between July 2010 and Spring 2012.
- 2.4 The M1 and M6 are dual 3 lane motorways and the A14 is a dual 2 lane all-purpose trunk road. The existing junction layout does not provide for traffic movements between the M1 northbound and the A14 eastbound, and between the A14 westbound and the M1 southbound.
- 2.5 Junction 19 is in a rural area, where agriculture is the dominant land use. The surrounding villages are Catthorpe to the south west, Swinford to the north east, Shawell to the north west and Lilbourne to the south<sup>3</sup>. Outside the villages there are individual houses and farms scattered in the landscape. The countryside is gently rolling undulating farmland, a mixture of arable and pasture. Field patterns display a varying amount of enclosure, the more open landscape being to the south east of the junction. Catthorpe Hill and the valley of the River Avon are the main natural landforms. Swinford Wind Farm is a recent addition to the landscape. Heritage assets include Conservation Areas at Catthorpe, Swinford and Shawell and 50 listed buildings, mostly lying within the historic village cores. The special historic interest of the walled garden and parkland at Stanford Hall is reflected in its grade II status on the List of Historic Parks and Gardens. In the area there are 27 known archaeological sites and three Scheduled Monuments (SM), a Norman motte and bailey castle within Shawell and two more at Lilbourne.

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<sup>2</sup> In document HA/14/01 Figure 1 shows the location of Junction 19 in its national context, Figure 2 shows its location in relation to the nearest major towns and surrounding strategic road network. The existing layout of the junction is shown on Figure 3. A detailed description of the layout of the interchange, including an assessment against current design standards, is found in HA/03/01 paragraphs 2.3.9 to 2.3.37.

<sup>3</sup> The location plan at Figure A in HA/15/01 shows the junction in relation to the villages, the local roads and public rights of way and the physical features of the area.

- 2.6 The villages and farms are served by a local road network. The link between Catthorpe and Swinford, consisting of Swinford Road and Rugby Road, passes through the dumbbell roundabout arrangement. The local roads generally vary in width and in places become in effect single track. There is poor visibility in many locations. The network provides access to the A5 Trunk Road to the west. On the A5 at the Gibbet Hill roundabout there is access to the A426 which provides a link to the M6 Junction 1 and to the M1 Junction 20.
- 2.7 A network of public footpaths and bridleways radiate out from the villages across the farmland, although routes are interrupted by the major roads<sup>4</sup>.

### **3 THE CASE FOR THE HIGHWAYS AGENCY**

The material points are:

#### **Background**

- 3.1 The national transport policies under which the Junction 19 improvement has been progressed are set out in a number of documents that have been published in recent years. Amongst these the July 1998 White Paper 'A New Deal for Transport' established a core trunk road network of nationally important routes in England, including the M1 and M6 motorway and the A14 Trunk Road (DD100). The 1998 White Paper 'A New Deal for Trunk Roads in England' established a Targeted Programme of Improvements (TPI) (DD099). The M1 Junction 19 was identified as a key junction on the strategic highway network that was experiencing congestion and safety problems, mostly caused by east-west movements. Following a road based study carried out between 2000 and 2003, a Preferred Route was announced and a scheme for the junction was added to the TPI. The July 2004 White Paper, 'The Future of Transport: a network for 2030,' made specific reference to improvements to the M1 and also the A14 as the route connecting East Coast ports with the Midlands (DD102).
- 3.2 The TPI was replaced by the Programme of Major Schemes as a result of the Review of Highways Agency's Major Roads Programme 2007 (DD147). The Junction improvement was included in the Programme of Major Schemes. In July 2008 the Department for Transport (DfT) Command Paper 'Roads - Delivering Choice and Reliability' identified M1 Junction 19 as a scheme being considered for implementation before 2014 to address capacity issues (DD148). Work was halted following the Spending Review (SR) in Spring 2010.
- 3.3 Later that year the DfT published a policy paper 'Investment in Highways Transport Schemes', which identified those schemes that offered the best

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<sup>4</sup> HA/14/01 Figure 4 shows the existing footpaths and bridleways, including the route numbers.

investment (DD149). The M1/M6 Junction 19 Improvement was one of fourteen schemes identified as addressing clear problems, the intention being to start work post 2015. In the Government's 2011 Autumn Statement investment in the M1/M6 Junction 19 improvement was one of the schemes prioritised as part of the National Infrastructure Plan (DD151). The aim was to start construction before 2015.

### **Need for the Scheme**

- 3.4 Junction 19 of the M1 is a key junction both nationally and regionally. The M6/A14 corridor also forms part of the Ireland/UK/Benelux (Spain) Trans European Network (TEN). The Junction currently caters for approximately 142,000 vehicles per day, of which 139,900 are strategic motorway/trunk road movements. Local traffic represents less than 2%. Of the strategic movements 97,000 are unimpeded and pass through the Junction on the mainline (M1 to M1) or on the free-flow links (M6-M1). All traffic travelling on the A14 Trunk Road and local roads, as well as all movements between the M6 and the M1 north of the junction, must pass through the dumbbell roundabout arrangement. The traffic flow is over 42,000 vehicles per day, of which approximately 25% are HGVs<sup>5</sup>.
- 3.5 The dumbbell roundabout arrangement dates to 1994 when a connection was provided between the M1 and A14. The roundabouts do not have sufficient capacity to cope with the high volume of traffic travelling through it. The result is congestion, considerable delays for traffic using the M1, M6 and A14 and long tailbacks on the A14 and on exit slip roads from the M6 and M1. Safety is adversely affected and over the five year period 2007 to 2011 there were some 313 personal injury accidents, including 58 fatal or serious accidents. This represents an above average fatal accident rate<sup>6</sup>. The layout results in conflict between strategic and local traffic.
- 3.6 Public rights of way (PRoW) were severed first by the M1 and M6 and then by the A14 in the 1990s. The Junction disrupts the PRoW network. The heavy traffic and high volume of HGVs contributes to the unsuitability of the dumbbell layout for use by pedestrians, cyclists and horse riders (vulnerable users). Present provision for disabled users cannot be considered compliant with legislative requirements. Whilst routes are available across the A14, the increased traffic flows and the high HGV content make these routes difficult and dangerous to use. The result is an adverse effect on accessibility, safety and recreation.
- 3.7 Traffic is forecast to increase on the primary approaches to Junction 19 (A14, M1 and M6) between 7% and 12% in 2017 and between 20 and 32%

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<sup>5</sup> HA/04/01 Table 3-2 (page 9) details the daily traffic flows passing through the Junction.

<sup>6</sup> HA/04/01 Table 3-3 details typical journey times and delays and Table 3-4 (page 12) details personal injury accidents at the Junction.

in 2032<sup>7</sup>. Future growth of road traffic would mean increased congestion and delays at the Junction and an increase in the risk of accidents. The likely result would be traffic diverting to other routes, in turn causing problems elsewhere on the strategic and local road network. The dumbbell roundabout arrangement is not an appropriate layout for an intersection of such importance.

- 3.8 The increases in traffic through the Junction would increase the existing conflicts with vulnerable users, particularly those travelling between Catthorpe and Swinford and those wanting to access the local countryside.

### **Scheme Development**

- 3.9 In 2000 a study commenced to look at possible improvements to the Junction, leading to public consultation on a number of junction options in June 2002. In February 2003 a preferred scheme was announced, a four level interchange providing an all-movement junction. This scheme was incorporated into the TPI. In 2004 Local Road Network (LRN) options were presented at a public exhibition. Work was taken forward by the appointed contractor Skanska Construction UK Ltd. In early 2006 it became apparent that the preferred scheme could not be constructed within the proposed budget. An initial comparative assessment was undertaken on a number of different options in spring 2007. The outcome was that a restricted movements option would be likely to perform significantly better in economic and environmental terms.
- 3.10 Public consultation took place in the summer of 2008. Five improvement options were presented, based on combinations of three possible motorway junction options and three LRN options (DD050). One option was based on the original all-movement junction and three options were based on a restricted free-flow junction with no movements between the A14 and M1 to the south, and the M6 and M1 to the north. The scheme gaining most support in the consultative process, the Red Junction and Orange LRN, was announced as the new Preferred Route on 19 February 2009<sup>8</sup>.
- 3.11 Following this announcement, the design of the Junction was developed, allowing for identification of any required Departures from Standards. An EIA was carried out into the proposed Scheme in accordance with the Highways (Environmental Impact Assessment) Regulations 2007 and Part V of the Highways Act 1980. The findings were reported in an Environmental Statement (ES). In February 2010 the draft Orders were published (DD001- DD005) together with the ES (DD021-DD033). A Non-Technical Summary (NTS) summarised the findings (DD033). An exhibition was held

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<sup>7</sup> This forecast from the base year 2011 represents the Do Minimum option. See HA/04/01 Table 6-2 (page 28).

<sup>8</sup> A Report on the consultation is included as DD052.

in March 2010. Shortly after the end of the objection period scheme development was suspended until Autumn 2011.

- 3.12 On recommencement of the project a design development review was undertaken to identify value savings to reduce the cost of the scheme. Account was taken of a new traffic model that forecast lower traffic flows at the proposed junction than previously predicted as a result of new traffic surveys undertaken in 2011 and new traffic growth forecasts using DfT guidance. Minor changes were made to the scheme design all within the existing published land requirements and with no effect on the overall junction provision. The changes to the M1-A14 link roads eliminated the need to replace the Shawell Road bridge. An amendment to the position of the diverge of the M6-M1 southbound link from the M6 southbound enabled the Local Link Road to be realigned closer to the M6 and the M6-M1 southbound link road. As a result of the realignment land take was reduced by 0.5 ha and works to the bridge carrying the M6 over Shawell Lane were no longer necessary.
- 3.13 In view of the minor changes to the scheme and the period of suspension of the statutory process, the ES and NTS were reviewed to update information and confirm they were still valid. The results of the review are set out in a series of Supplementary Notes, which were published on 25 October 2012, together with a document Changes to the NTS (DD034-DD045). The basis for the Preferred Route announcement was shown to remain valid.
- 3.14 The proposed improvement scheme is based on the Preferred Route announced in 2009 and the design development carried out in 2012 (the Scheme). As will be shown it would have the lowest environmental impact, require the least amount of land, provide a high level of traffic benefits and represent good value for money.

### **Scheme Objectives**

- 3.15 The key objectives<sup>9</sup> for the junction improvement are to:
- relieve congestion and improve journey time reliability;
  - improve road safety;
  - separate local traffic from long distance traffic;
  - improve conditions for cyclists, pedestrians and horse riders;
  - keep adverse environmental impacts to a minimum; and

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<sup>9</sup> The objectives are set out in detail in section 4 of the Statement of Case (DD008).

- provide good value for money.

3.16 The HA is satisfied that the published Scheme provides the most appropriate solution for satisfying these objectives.

### **The Scheme**

3.17 The Scheme has been developed to alleviate existing conditions and problems<sup>10</sup>. It would provide free-flow links for the major turning movements at Junction 19, whilst retaining the M1 on its current alignment and allowing free-flow traffic to pass between the M6 and A14. The Scheme has been designed to accommodate the predicted peak traffic flows up to and including the design year of 2032<sup>11</sup>. In order to provide value for money, the retention and re-use of existing infrastructure has been a key factor in the design.

### ***Engineering and Design***

#### *Junction layout*

3.18 The junction layout would provide for direct free-flow links:

- M6 to A14 in both directions;
- A14 to M1 northbound;
- M1 southbound to A14;
- M6 to M1 southbound; and
- M1 northbound to M6.

3.19 The Junction would not provide for the following movements: M6 to M1 northbound, M1 southbound to M6, A14 to M1 southbound and M1 northbound to A14. Traffic demands for these links do not show an economic justification for their inclusion.

3.20 The layout provides for a three level interchange and would involve the construction of six new bridges and the demolition of two existing bridges.

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<sup>10</sup> The Scheme layout is shown in Figure 7 and in the General Arrangement drawings in Drawing Set A contained in HA/14/01. Mr Kirk's evidence, HA/03/01, should be referred to for detailed information on engineering and design.

<sup>11</sup> HA/03/01 Table 4.1 sets out the Predicted Traffic Flows (AADT).

- 3.21 At the lowest level a new link would connect the M6 motorway directly to the A14 Trunk Road, beneath the M1. The standard of the link would vary between dual 2 lane all purpose at the eastern end (A14) and dual 3 lane motorway at the western end (M6). The central section through the Junction would be dual 2 lane motorway but with verges and structural openings capable of accommodating future widening to 3 lanes in either direction.
- 3.22 At level 1 the M1 motorway would be retained on its current alignment and the southbound carriageway would be converted back to its original 3 lane cross section. A new single lane plus hard shoulder free-flow link road would connect the M1 southbound with the A14 eastbound. The existing M1 to M6 northbound free-flow link would be retained on its current horizontal alignment, with vertical alignment amendments and reduced in width to 2 lanes plus hard shoulder.
- 3.23 At level 2 a realigned free-flow link would connect the M6 to the M1 southbound, incorporating the new Catthorpe viaduct. A new free-flow link would connect the A14 westbound with the M1 northbound. Both links are proposed to be 2 lane plus hard shoulder interchange links and would form the highest part of the Scheme. The A14 to M1 northbound link would reduce to a single lane on its approach to the M1 northbound merge.
- 3.24 In addition to these major elements a number of minor links would be incorporated into the junction layout for the exclusive use of emergency and maintenance vehicles. These routes would enable these parties to make the turning movements not available to general traffic – M6/M1 north and A14/M1 south. The authorities for policing and emergency response have agreed that the layout would make an acceptable level of provision.

#### *Local Road Network (LRN)*

- 3.25 The objectives of the LRN are to provide local access between the villages and to the wider strategic network. The proposed LRN has three main components, which have been agreed with Leicestershire County Council<sup>12</sup>.
- 3.26 A 2.4 km direct link is proposed between Rugby Road, Swinford and the A5 Trunk Road. From east to west this link would cross under the proposed M1 southbound to A14 link, under the M1 and under the A14 to M1 northbound link viaduct. After a T junction with Swinford Road, the route then runs parallel to the M6 embankment. A T junction is proposed with Shawell Lane and alignment improvements would take place further west in the vicinity of Catthorpe Lane. The cross section would consist of two 3 m wide lanes with no hardstrips and 2 m nearside verges. West of the M1, between the

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<sup>12</sup> At my request the HA prepared a paper on how the Scheme meets its Public Sector Equality Duty (HA/44). The paper particularly addresses how the provision for Vulnerable Users responds to legislative requirements.

Junction and the midpoint between the Shawell Lane junction and the Catthorpe Road junction, the highway would have its northern verge widened to 3 m to allow use by vulnerable users. The back of the verge would have a hardened width, making it wheelchair accessible. It would link with six existing footpaths and bridleways which run north of the local road. No improvements are considered to be necessary at the junction with the A5 Trunk Road.

- 3.27 A link would be provided to Catthorpe from a T junction with the new link road. It would pass under the three free-flow links in a cutting before tying back into Swinford Road to lead to the village.
- 3.28 A 4.9 km long surfaced footway between 1.2 to 1.5 m in width is proposed between Swinford and Catthorpe along the northern verge of Rugby Road and the eastern verge of Swinford Road. The footway would have no steep gradients and be designed for use by all, including those with disabilities. Details of the design would include tactile paving and dropped kerbs, careful siting of sign posts to avoid obstruction and special attention to security and safety where the route passes below the Junction.

#### *Routes for vulnerable users*<sup>13</sup>

- 3.29 In addition to the provisions made in the LRN the following measures are proposed to mitigate any severances created by the Scheme and improve accessibility and safety for vulnerable users. A new public bridleway some 2.4 km in length is proposed to link public footpaths and bridleways between Swinford, Catthorpe and Lilbourne and to give access to the course of the River Avon. The route would follow existing public footpath X6 south of Swinford<sup>14</sup>, pass under the A14, go along the bank of the river and pass under the M1 to connect to existing public bridleway X13 and footpath X7. Two new bridleway bridges would have to be constructed over the river<sup>15</sup>.
- 3.30 A new public footpath is proposed between the proposed public bridleway X6 and existing public footpath X8 aligned parallel to the A14 and linking to footpath X7. In all provision careful attention would be given to gates and surfaces in the detailed design work to ensure good access.

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<sup>13</sup> The proposals are illustrated in Figure 8 HA/14/01.

<sup>14</sup> HA/38/01 Proposed modification at Appendix E and Appendix F Proposed Site Plan No. 3.

<sup>15</sup> Mr Moore confirmed in his evidence at the Inquiry that a spur to extend the new bridleway along the line of the dismantled railway to Station Road would be part of the Scheme (see Figure 8 HA/14/01). A Statutory Instrument (Public Path Creation Order) would be promoted by Leicestershire County Council, as set out in the Statement of Case (DD008 para.9.6).

### *Private Means of Access (PMA) and Access Tracks<sup>16</sup>*

- 3.31 The provision of the M6 to A14 link requires two PMAs to land south of the dumbbell roundabout arrangement to be stopped up. The access to land west of the M1 is not proposed to be replaced because the land is required for construction of the Scheme. No replacement is necessary for access to land east of the M1 because of alternative existing provision under the River Avon viaduct.
- 3.32 A PMA to Tomley Hall Farm affected by the LRN would be replaced by a new PMA from the LRN. The realignment of Swinford Road south of the M6 would result in the stopping up of a PMA to Old Barn Farm. An equivalent PMA would be provided from the realigned Swinford Road.
- 3.33 The proposed realignment of Catthorpe Lane north of the M6 would result in the stopping up of three PMAs to properties. Three new PMAs would be provided from the realigned route. The proposed realignment of Shawell Lane north of the M6 would lead to the stopping up of three PMAs into fields. Three new PMAs would be provided from the realigned route. Further west at the realigned Catthorpe Road/Catthorpe Lane junction provision is made for four new PMAs to maintain equivalent access to the fields currently served by five PMAs.
- 3.34 Seven new PMAs are proposed for emergency access, utility equipment and a temporary PMA for a contractor's compound. A new access track is proposed to Old Barn Farm from Swinford Road. New access tracks would be provided to serve three proposed drainage ponds.

### *Statutory Undertakers Services*

- 3.35 The Scheme would affect existing statutory undertakers' services. A number of diversions are required for electricity, BT (Open Reach) and water supplies. The proposals have been discussed and agreed with the statutory undertakers during design development. Liaison with the companies affected is ongoing.

### *Safety*

- 3.36 The Scheme has been designed to Design Standards and Advice Notes current in June 2012 contained with the Design Manual for Roads and Bridges (DMRB). Applications for Departures from the Standards have been applied for only after careful consideration of their impacts on safety and exercise of expert engineering judgement. They are proposed to reduce costs and environmental impacts of the Scheme, without compromising safety. The Departures have been approved in principle by the HA and

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<sup>16</sup> HA/14/01 Figure 9 Proposed New PMA

were reviewed as part of the updated Stage 1 Road Safety Audit carried out in December 2012. Proposals to deal with the identified minor problems on proposed signage in the 2012 Road Safety Audit have been agreed with the auditors and will be incorporated into the detailed design.

- 3.37 Departures on the LRN have been agreed with Leicestershire County Council, the highway authority who would adopt the local roads on completion of the works.

#### *Future network expansion*

- 3.38 The structures and verges have been designed to accommodate extra lanes on the M6 to A14 link in the future. The M1 and the M1 to M6 links can accommodate future potential Managed Motorway provision.

#### **Construction**

- 3.39 Detailed consideration has been given to the scope of the construction work (structures, materials, earthworks, services etc), and the implications of the high structural content of the Scheme<sup>17</sup>. The Scheme has been designed to maximise the reuse of materials within the site, minimise the import of materials and minimise the disposal of surplus earthworks off-site. A reduction of the current 50,000 m<sup>3</sup> of surplus material is targeted in the detailed design.
- 3.40 Based on the main construction works commencing in January 2014, the construction programme would extend over a period of some 37 months to completion in Spring 2017<sup>18</sup>. This timescale allows for normal working hours, with a limited amount of 24 hour working and night working for traffic management purposes and erection of structures. The programme is also based on completing the majority of the bulk earthworks in the 2014 and 2015 earthworks seasons (between spring and autumn). It builds in time allowances to ensure all necessary ecological mitigation is carried out. The programme is realistic and achievable.
- 3.41 The Scheme has been designed to minimise disruption during the period of construction by the sequencing of operations and construction methods. By means of a condition imposed on contractors' working methods no site traffic will be permitted through the villages of Swinford, Catthorpe, Lilbourne, Shawell and Welford. This requirement is supported by an existing 7.5 tonne weight limit on some of the roads in the locality. Deliveries of materials to site would be restricted to routes using the M1, M6 and A14 and would avoid local communities. Provision has been made

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<sup>17</sup> See HA/02/01, HA/02/02 and HA/14/01 Drawing Set C.

<sup>18</sup> HA/02/02 Appendix E Construction Programme.

to re-route local traffic through Shawell during the 18 month closure of Rugby Road between Cattothorpe and Swinford. Only one residential property, a caravan at Stonebank, would be directly affected by the Scheme. The caravan would be moved to an alternative location within the site in agreement with the owner.

- 3.42 Traffic Management has been designed to retain current lane capacity on the existing network, minimise disruption, give safe passage to travellers and to provide safe work areas for the construction workforce. Reducing disruption to motorway traffic would also reduce disruption on local roads as traffic is less likely to seek alternative routes.
- 3.43 An outline Construction Environmental Management Plan (CEMP) has been prepared (DD049), which will be reviewed following detailed design development. The CEMP includes best practice standards and guidelines on issues such as noise, dust, waste, ecology, pollution control and emergency procedures. The CEMP will be supported by a series of specific plans on communication, site waste management, health and safety, soil management, environmental and quality management. Liaison with the community and with the emergency services will take place throughout the project.
- 3.44 Areas of land would be required on a temporary basis and include work areas for construction, materials storage and to provide welfare facilities for the work force. The areas have been selected on merit and have the best location, are available for the duration of the project and would have least environmental impact<sup>19</sup>. The main administrative and management centre would be at the existing Misterton Depot located between Junctions 19 and 20 on the M1.
- 3.45 The Secretaries of State can be confident that each parcel of land is required for the Scheme, that there is a realistic construction programme for delivery and there would be no real impediments for its efficient delivery if the Scheme is approved.

### ***Scheme Appraisal: Traffic and Economics***

#### *Existing traffic flows*

- 3.46 A wide range of data was collected in June 2011, a 'neutral' month, to establish existing traffic volumes. Of the 139,900 daily strategic movements, 97,000 pass through the Junction on the mainline (M1 to M1) or on the free-flow links (M6 to M1), whilst 42,900 vehicles per day pass through the low capacity dumbbell roundabout arrangement. By far the

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<sup>19</sup> HA/29 Areas Required During Construction and HA/38/01 Appendix K to the Modifications Report on the CPO.

highest volumes of traffic passing through the dumbbell roundabouts are in respect of the A14 to M6 and the A14 to M1 north of the Junction movements (and vice versa). These flows also have high proportions of HGVs. Approximately 2,500 other vehicles use the Junction to access local roads. Of the local traffic, approximately 50% is to/from the A14<sup>20</sup>.

- 3.47 By comparison, the M6 to M1 north of the Junction movement (and vice versa) is minimal at less than 500 vehicles per day each way, with a significantly lower proportion of HGVs. The amount of traffic is low because of the alternative routes available via the M69 and A426 and further afield by the M42 and A42.
- 3.48 Separate surveys were undertaken in 2008 and 2009 to establish the current volume for the M1 south of the Junction to A14 traffic movements and vice versa. These are the movements that currently are not catered for at Junction 19 but are possible by making U-turns at either M1 Junction 20 or M6 Junction 1, or using local roads. The surveys established that less than 500 vehicles per day each way currently make this movement. Further analysis of journey times has indicated that longer distance traffic wishing to make this movement would likely use shorter routes such as the A43 and A45 between the M1 south of Junction 17 and the A14.
- 3.49 Therefore the Scheme consists of the addition of free-flow links for the most heavily trafficked movements that currently pass through the dumbbell roundabout arrangement. The Scheme does not provide for the movements that currently have low flows.

*Traffic model, future traffic flows and conditions*

- 3.50 The traffic model for the Scheme was developed in accordance with HA and DfT guidance. The validation results demonstrated that the traffic model produces sufficiently accurate representations of existing traffic conditions to be used to forecast future traffic flows and journey times with confidence. This view was shared by the HA's Traffic Appraisal, Modelling and Economics Appraisal Certifying Officer for the Scheme.
- 3.51 The traffic model has been used to forecast future traffic flows at the Junction and on the surrounding strategic and local road network. In the traffic modelling process a recent key change in guidance has been the introduction of an Uncertainty Log. The purpose of the Log is to identify and assess relevant uncertainties that could affect traffic flows and hence scheme impacts. As a result, all future development proposals and highway improvements that could affect the future flows in the vicinity of the Scheme were considered and their certainty assessed<sup>21</sup>. Before, only

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<sup>20</sup> This information was given in response to a question from Mr Wilson. Swinford to the A14 and vice versa = 250, and Catthorpe to A14 and vice versa = 1000. (HA/39)

<sup>21</sup> HA/04/01 Table 6-1 (page 26) is a summary of key residential and employment information for the

committed developments with planning permission were included. The traffic model and the future year forecast traffic flows and journey times are robust. This conclusion of the project team was independently reviewed and confirmed (DD168).

- 3.52 Even allowing for future housing and employment developments in the study area, which have been modelled in detail, the forecast traffic flows did not justify the inclusion of links to cater for the following movements: M6 to M1 northbound, M1 southbound to M6, A14 to M1 southbound and M1 northbound to A14. Demand would remain low. In contrast, with the Scheme in place the forecasts show 38,300 vehicles (2-way AADT) on the A14-M6 free-flow link and 21,300 vehicles (2-way AADT) on the A14-M1 northbound free-flow link in 2032<sup>22</sup>. When comparing Alternative 1 with the Scheme, the additional M6 to M1 north of the Junction (and vice versa) would attract approximately 2,900 vehicles per day in total in 2032. The additional A14 to M1 south of the Junction (and vice versa) would attract approximately 4,000 vehicles per day in total in 2032<sup>23</sup>.
- 3.53 A comparison has been made between the future year traffic flows for the opening year (2017) and the design year (2032) with and without the Scheme. Traffic is forecast to increase on the primary approaches to Junction 19 (A14, M1 and M6) between 7% and 12% in 2017 and between 20 and 32% in 2032. Without the Scheme there would be significant increases in journey times and delays of up to 8 minutes at the dumbbell roundabout for travellers using the key A14 to M6 and A14 to M1 north of the junction due to increased congestion. To avoid delays traffic would start to seek alternative routes, such as the route through South Kilworth and Walcote from A14 Junction 1 to M1 Junction 20, and the A4304 and A426 route from Husbands Bosworth/North Kilworth to Rugby via Walcote. This would be likely to cause problems elsewhere on the strategic and local road network. The risk of accidents and casualties would increase.
- 3.54 Conversely with the Scheme modelled journey times show a significant decrease in journey times and a large volume of traffic would benefit from a reduction in delays through Junction 19<sup>24</sup>. For example, on the link with the highest flow (A14 to M6 Northbound) it would take half the time to travel through the junction. There would be a reduction in the number of accidents. In particular, the reduction of queues and the improved layout at the Junction would reduce the number of high severity accidents.

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relevant local authorities surrounding Junction 19. HA/04/02 Figure 6-1 provides an overview of the forecasting methodology. Details of the traffic forecasting process are in the Stage 4 Traffic Forecasting Report DD177.

<sup>22</sup> HA/04/01 Table 6-4 page 32.

<sup>23</sup> HA/20/01 paragraph 6.4.5 and Table 6.2

<sup>24</sup> HA/04/01 Table 6-6 Forecast Journey Time Reductions and Associated Flows

- 3.55 With the Scheme in place there would be very few significant changes in traffic flows on the strategic road network overall. There would be slightly higher flows on the A14 due to the removal of the existing bottleneck. There would be increases and decreases in traffic on the M1 and M6 and moderate changes on the A5, due to the small number of alternative routes for a small number of traffic movements within the local area. For example, traffic from the Daventry International Rail and Freight Terminal (DIRFT) to the A14 and vice versa can travel via M1 Junction 18 and M1 Junction 6 or via M1 Junction 18 and M1 Junction 20 or via the A5, A426 and M6 Junction 1.
- 3.56 As to the changes in the forecast traffic flows on the surrounding local road network, traffic that is forecast to divert away from the M1 Junction 19 without the Scheme in place would divert back onto the appropriate routes such as the A14 and travel through Junction 19. Therefore traffic would decrease at South Kilworth and Walcote. On the LRN, there would be reductions in traffic flows in Shawell and Catthorpe as a result of the east-west local link road. The changes in flows in Swinford are more complex with a mix of decreases (Shawell Road) and increases (Rugby Road). This is primarily because without the Scheme, traffic would divert away from Swinford onto other less appropriate routes.

#### *Economic Appraisal*

- 3.57 The Scheme has a current range cost estimate of £217.3 million to £281.8 million with a most likely estimate of £251 million in outturn prices. The figures include historical costs, design, construction, risk and inflation. The Scheme is currently programmed to open in 2017, when it would start to provide benefits to transport users.
- 3.58 An economic appraisal has been undertaken in accordance with DfT guidance. The Scheme would produce a Present Value of Benefits (PVB) of £648.3m (2010 prices, discounted to 2010), the greatest benefit being decreased journey time (£586.6m). The total calculated Present Value of Costs (PVC) is £182.4m (2010 prices, discounted to 2010). The appraisal demonstrates that with a Benefit to Cost Ratio (BCR) of 3.6 the Scheme presents high value for money. The Scheme would result in significant travel time benefits, reduced vehicle operating costs, reduced maintenance costs and a reduction in the number of accidents and associated costs<sup>25</sup>.

#### ***Policy considerations***

- 3.59 The Scheme is located almost entirely within Harborough District with the exception of a limited amount of environmental mitigation that falls within

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<sup>25</sup> HA/04/01 Table 7-1 Summary of Economic Appraisal Results. HA/04/01 paragraphs 7.1.7 to 7.1.8 details the DMRB and DfT guidance and the industry standard software used in the economic appraisal.

Daventry District. The River Avon forms the boundary between the Districts in this location. The development plan documents in respect of Harborough District comprise the Harborough District Core Strategy (CS) 2006-2028 adopted in November 2011 and the saved policies of the Harborough District Local Plan adopted in 2001.

- 3.60 The strategic objectives of the Scheme also mean that adopted or emerging Local Plan policies for housing and economic growth in surrounding districts are relevant. These include the Rugby Core Strategy adopted in 2011, the saved policies of the Daventry District Local Plan adopted in 1997, the emerging West Northamptonshire Joint Core Strategy, the adopted North Northamptonshire Joint Planning Unit Core Strategy and the emerging revised Core Strategy.
- 3.61 Local Transport Plans are material considerations as they set out the transport strategy and local transport schemes prioritised for funding within the context of the strategic highway network.
- 3.62 The Regional Strategy (RS) applicable to the Scheme is the East Midlands Regional Plan 2009 (DD301)<sup>26</sup>. The Milton Keynes and South Midlands Sub Regional Strategy 2005 forms part of the RS. Due to the strategic nature of the Scheme the RS for the West Midlands, updated in 2008, is also relevant where it provides policies and objectives that have cross boundary implications (DD300)<sup>27</sup>. The Government has taken forward its proposals to abolish RSs through the Localism Act 2011. It is anticipated that the East Midlands RS could be revoked (either in full or partially) imminently but until such time, it remains part of the development plan and therefore needs to be addressed.
- 3.63 The National Planning Policy Framework (the Framework) has replaced the National Planning Policy Statements and Guidance extant when the ES was published in 2010. Objectives relating to the economy, transport, communities and the historic and natural environment are particularly relevant to the Scheme.

#### *Promoting sustainable transport*

- 3.64 The Framework promotes sustainable transport. The Scheme is a Regional Trunk Road Priority under Policy 53 of the East Midlands RS and supports RS objectives to promote regeneration and improvements to inter-regional and international linkages set out in Policy 43. The Scheme has support from Policy T9 of the West Midlands RS, which attaches high priority to

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<sup>26</sup> Inspector's note: An Order to revoke the East Midlands Regional Strategy in its entirety came into force on 12 April 2013.

<sup>27</sup> Inspector's note: An Order to revoke the West Midlands Regional Strategy in its entirety was laid on 24 April 2013 and is due to come into force on 20 May 2013.

investment in the primary route network to improve accessibility and journey time reliability and minimise the need for local movements to use the strategic road network. It is acknowledged that this specific support would be lost on revocation of the RSs but general policy support would remain.

- 3.65 The Scheme will contribute to achieving outcomes identified by the Leicestershire Local Transport Plan 2011 (LLTP), by providing a more reliable transport system for people and goods, encouraging daily journeys and easy access to the natural environment by foot and cycle. The proposed provision of safe pedestrian and cycling facilities on the LRN serving the settlements complies with criterion (d) of Policy CS5 of the Harborough CS. The congestion and lack of free-flow links at Junction 19 are identified by the LLTP as affecting connectivity to the East Coast ports and the West Midlands. Efforts to tackle congestion are regarded as vital to the economic health of Leicestershire. An early start to work on Junction 19 is supported through the Northamptonshire Transportation Plan 2012 (Appendix 1 Policy RD4). Warwickshire's Local Transport Plan 2011 recognises that the Junction is a key highway interchange (P86). The Junction is described as experiencing congestion and safety issues and the potential scheme designs are described under the strategy for Rugby where future development is planned.
- 3.66 Therefore the Scheme is a national and regional infrastructure priority for relieving congestion, improving safety and meeting future travel demands. It will increase capacity on the Core Road Network and enhance local connectivity. The Scheme is in accordance with sustainable transport objectives.

#### *Response to Economic Aspects of Sustainable Development*

- 3.67 The Framework promotes the provision of infrastructure required to build a strong responsive and competitive economy. The Scheme will benefit the existing regional logistics industry, including businesses based at Magna Park and DIRFT. The additional capacity would support housing and economic growth planned for Harborough and Daventry Districts and especially the major expansion of Rugby planned as part of the Borough's Core Strategy. The Scheme is recognised by transport and land use planning policy as of national, regional and local economic importance by relieving congestion, improving journey reliability, safety and increased highway capacity.
- 3.68 The Framework supports a prosperous rural economy. The area surrounding the Junction is defined as Countryside by the Harborough CS. Policy CS17 requires development in the Countryside to be for purposes such as agriculture, woodland management, sport and recreation, local food initiatives and renewable energy production. Several agricultural businesses would experience some disruption from the Scheme, mainly during the construction phase. However, knowledge has advanced in conserving soil resources. There would be no loss of direct access from the

public highway to the farm shop and tearoom at Manor Farm or the commercial units at Old Barn Farm. It is anticipated that no farm would become unviable or undergo any significant changes to the range of existing enterprises. The Scheme, when operational, would improve access to the industrial units at Old Barn Farm. There is no conflict with Policy CS7 of the Harbrough CS, which supports employment development in the countryside where it contributes to land based businesses and aids farm diversification. The Scheme benefits significantly outweigh the localised impacts.

#### *Response to Social Aspects of Sustainable Development*

- 3.69 The social benefits of the Scheme include improved safety and a reduction in delays for users of the strategic highway network. The creation of a new direct footway between Catthorpe and Swinford and the reduction of severance to the local rights of way network are integral to the Scheme. Enhancement of biodiversity will be achieved through mitigation. These elements will be in accordance with objectives of the Framework and Policy CS8 of the Harbrough CS to secure high quality and accessible green infrastructure and to encourage healthy lifestyles.

#### *Response to Environmental Aspects of Sustainable Development*

- 3.70 Policy CS9 of the Harbrough CS supports development that helps to reduce carbon emissions, consistent with the move to a low carbon future outlined in the Framework. The purpose of the Scheme is to provide additional capacity for future traffic growth and in this sense it will not reduce carbon emissions. However, carbon emissions would still increase in a do nothing scenario. The adverse effect is outweighed by other benefits, including improved journey times and safety and localised environmental improvements.
- 3.71 National policy is to avoid inappropriate development in areas at risk of flooding by the adoption of a sequential approach in managing flood risk. Policy CS10 of the Harbrough CS addresses flood risk. Part of the area surrounding the A14 is at high risk of flooding (flood zone 3a). The A14 is classified as essential infrastructure and is a type of development permissible in flood zone 3a. Only a slight adverse effect on surface water flood risk would occur during construction and during operation the Scheme would have a slight beneficial effect. The policy requirements in respect of managing and mitigating flood risk are satisfied.
- 3.72 The Scheme does not impact on any landscape designations. Proposals for comprehensive landscaping have been incorporated to protect and where possible enhance the landscape in compliance with the Framework objective and Policy CS8 of the Harbrough CS.
- 3.73 Policy CS8 also promotes biodiversity protection and enhancement, consistent with the Framework objective to minimise impacts and provide

net gains in biodiversity. No local, regional, national or European nature conservation designations would be directly affected by the Scheme. Some local sites associated with the River Avon would experience some initial adverse effects at construction stage. Subsequently, better pollution controls and the establishment of new habitats of high quality would lead to a positive enhancement. By providing appropriate mitigation and enhancement the Scheme complies with national and local objectives.

- 3.74 Detailed assessment demonstrates that the Scheme would have a net benefit on the noise environment. This outcome is consistent with the Framework that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life. With mitigation measures in place during construction there would be no negative effect on policy principles and objectives identified by Policies CS9 and CS11 of the Harborough CS.
- 3.75 The Framework recognises that the historic environment is an irreplaceable resource that should be sustained and enhanced. New development should make a positive contribution to local character and the distinctiveness of a place. Policy CS11 of the Harborough CS is directed at safeguarding the character and heritage of the District. The Scheme, by reducing the levels of traffic through Catthorpe and Shawell would benefit the Conservation Areas of those villages. Unavoidable impacts on heritage assets would be minimised by appropriate mitigation. The overall slight adverse effect would be outweighed by the other benefits of the Scheme.

### *Conclusion*

- 3.76 The Scheme meets the Framework definition of sustainable development through balancing economic, social and environmental objectives. The Scheme meets the objective that it should not be to the detriment of local and regional development plans or other Government policy.

## ***Environmental Assessment***

### *Landscape*

- 3.77 The existing motorway junction and major roads, their signs and lighting are a significant element in the landscape. The established highway planting, the bordering semi-mature woodland and Catthorpe Hill help to screen views of junction and integrate the infrastructure into the landscape<sup>28</sup>. The sensitivity of the landscape and its capacity to accept change is considered to be Medium, which accords with the findings of local authority assessments.

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<sup>28</sup> The importance of vegetation in existing views is illustrated by photomontages Figures V1, V2, V3, V4, V5 and V8 in HA/15/01.

- 3.78 The most crucial point is that the proposed three level junction would be similar in height and scale to the existing junction. The potential impact on the landscape is therefore limited. Also, the additional links have been kept as tight as possible within engineering standards to the existing layout, restricting the footprint of the proposal. This enables not only the loss of roadside vegetation planting to be restricted to 5.8 ha but also important vegetation to be retained, particularly to the south and west of the Junction.
- 3.79 The landscape mitigation measures have a number of aims<sup>29</sup>. These include integrating the Scheme into its setting by replacing lost landscape features, enhancing the road corridor landscape for road users and minimising visual impact by screening. Replacement planting would extend to 11.3 ha, a net increase of 5.5 ha. The planting would support conservation and enhancement objectives in local authority character assessments. Mitigation would be particularly important in two areas. Dense planting and earth mounding along the M1-A14 eastbound link and A14 would help screening in relation to Swinford, outlying properties and public rights of way. Dense planting and mounding between the M6-M1 southbound link and the LRN would mitigate the *Substantial* visual change in the opening year for Tomley Hall Farm and the public rights of way in that area. All the land included in the draft CPO to accommodate the landscape mitigation measures is considered to be essential.
- 3.80 Off-site planting could also be provided by the HA under section 253 of the Highways Act with the agreement of landowners. The possibility was discussed with landowners in 2009 and further consultation would take place prior to construction. However, no reliance is placed on this mitigation measure for the landscape assessment.
- 3.81 The loss of landscape features as a result of the Scheme would have a *Moderate Adverse* effect. In the longer term as the vegetation is restored the effect on landscape character has been assessed as *Neutral*. In terms of visual impacts, the initial *Moderate Adverse* would reduce to *Slight Adverse* as planting establishes and screens views. The overall landscape assessment is of *Moderate Adverse* effects for the opening year and *Slight Adverse* by 2032. Some adverse impact would result from any improvement scheme for the Junction. The proposed Scheme would result in lesser adverse impacts than any of the other alternatives.

### *Agriculture*

- 3.82 The Scheme would potentially affect ten farmland holdings, which vary in size, land use and enterprise mix. Land tenure is predominantly owner-occupied holdings. Most of the farms are considered to be full time units

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<sup>29</sup> The proposed on-site planting is indicated on the Environmental Master Plan Figure B HA/15/01. Figure 4.5 in the same document shows the areas of vegetation lost to the Scheme.

and are operated as family businesses<sup>30</sup>. Some farm businesses include diversification activity. Most farms make extensive use of the local road network for journeys between farmsteads and blocks of land. Most farms are entered in the Government's Environmental Stewardship Scheme.

- 3.83 The Scheme would require the permanent loss of 22.15 ha of farmland of which 2.37 ha (11%) is classified as Grade 2 and 9.39 ha (42%) classified as Grade 3a. Therefore about half of the permanent land take (11.76 ha 53%) is identified as best and most versatile (BMV) land. The loss of agricultural land is kept to the minimum necessitated by the Scheme design. There is no practical alternative to taking the BMV land because it is primarily a function of the location of works adjoining the existing M1, M6 and A14. The Comparative Environmental Assessment (CEA) confirmed the Scheme would take the least amount of agricultural land and the least amount of BMV land. The overall importance of the loss of this BMV land on a national scale and a local scale is considered to be *Low*. The loss does not outweigh the wider benefits of the Scheme. The objective to protect BMV land, set out in the Framework and Policy 26 of the East Midlands RS, is met.
- 3.84 The 6.14 ha of temporary land take would be required for construction compounds, soil storage, drainage works, construction access and so on. The land would be progressively returned to agricultural use post construction. Mitigation measures would be taken to ensure careful stewarding of the soil resources during the working period, proper restoration in accordance with Defra's good practice guide and subsequent agricultural aftercare including drainage. In addition 3.19 ha of land would be required temporarily for the provision of a new bridleway link and associated habitat creation. The land would be returned to the land owner but not for agricultural use.
- 3.85 The Scheme would require permanent land take from seven farm holdings. Five of these holdings plus a further two would be affected by temporary land take. The largest areas of land take would affect three holdings – Manor Farm (8.02 ha), Tomley Hall Farm (6.06 ha) and Lambcote Hill Farm (3.05 ha)<sup>31</sup>. The assessment of the effect on the farm businesses, before and after mitigation, has taken account of the quantitative losses, the qualitative effect of those losses and how practices may be affected by the concern of what may happen<sup>32</sup>. With a balance of *Neutral* and *Slight Adverse* effects and one *Moderate Adverse* (Manor Farm), the overall effect of the Scheme on farm businesses would be *Slight Adverse*. It is

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<sup>30</sup> Table 8.8 at Appendix 1 to DD041 provides a summary of the farm business survey.

<sup>31</sup> The permanent land take represents 2.5% of the holding at Manor Farm, 4.2% at Tomley Hall Farm and 0.8% at Lambcote Hill Farm – see Table 8.8 Appendix C HA/10/02.

<sup>32</sup> Mr Rogers gave oral evidence on this matter in response to the evidence and questions by Mr Turney.

anticipated no farm business would fail or undergo any significant change to the range of existing enterprises as a result of the Scheme going ahead.

- 3.86 Even though objections have been pursued, not one of them challenged or suggested that this conclusion was wrong. Very careful consideration has been given to balancing the compelling public interest in the Scheme proceeding with the rights of the land owners whose land would be affected. The Scheme has been designed to minimise the impacts to those that are necessary for the Scheme to proceed whilst meeting its objectives.

### *Ecology and Nature Conservation*

- 3.87 Comprehensive baseline ecological survey information has been collected for the area around the Junction since 2003, with additional survey work in 2008/09 and 2012 to inform the ES. The scope of the surveys was agreed with Natural England, the Environment Agency and local bodies.
- 3.88 No statutory designated nature conservation sites would be affected by the Scheme. The only local wildlife sites affected would be those situated along or bordering the River Avon. The proposed bridleway and the provision of otter mitigation, including the improvement of riparian habitats and bank profiles, would result in a *Slight Beneficial* effect.
- 3.89 Works would affect plant communities of common widespread species and result in the loss of habitats such as grassland, hedgerows and roadside planting. These communities are generally of low value and sensitivity. The proposals include replacement with higher quality habitats such as species rich grasslands, hedgerows and woodlands, which as they become established would produce an overall *Slight Beneficial* effect. During the operational phase of the Scheme no negative effects on habitats would occur.
- 3.90 Impacts upon faunal species include the loss of terrestrial habitat for great crested newt and reptiles, the loss of non-maternity bat roosts and the potential disturbance of otters by users of the proposed bridleway. The mitigation proposed is to create higher quality habitats with features included to benefit or protect these species, such as bird and bat boxes and an otter ledge. Other measures are the maintenance of suitable connectivity for foraging and commuting individuals, scheduling of works to reduce the risk of disturbance and where necessary moving individuals out of harm's way. Taking account of mitigation and the provision of higher quality habitats the construction of the Scheme would have a *Slight Beneficial* effect on faunal species. During the operational phase of the Scheme the potential for adverse impacts is low and the benefits achieved during construction would continue. Implementation of measures to prevent pollution and minimise light spillage would maintain an overall *Beneficial* effect.
- 3.91 There are no outstanding ecology and nature conservation objections from

any statutory or non-statutory conservation bodies. Discussions and a detailed written response led to the Environment Agency withdrawing its objection<sup>33</sup>. Natural England confirmed that it does not object to the Scheme and that the proposed mitigation (for the species for which a European Protected Species Licence would be necessary) would maintain the species populations identified in the survey report<sup>34</sup>. In response to Natural England's request mitigation measures have been designed to provide net biodiversity gain, provide new habitats tailored to meet local Biodiversity Action Plan targets, use a local seed initiative, enhance the corridor of the River Avon and improve connectivity between habitats. Procedures to protect species and habitats and ecological measures designed to mitigate known impacts would be part of the CEMP. A long term management strategy, as requested by Natural England and local wildlife trusts, would ensure the deliverability and sustainability of the measures proposed.

- 3.92 In summary, the overall effect would be *Slight Beneficial* due to construction effects including habitat creation. At the operational stage there would be no further adverse effects and so the overall significance of the Scheme would remain as *Slight Beneficial*.

#### *Cultural heritage*

- 3.93 A full assessment has been carried out on the archaeological remains, historic buildings and historic landscapes in the study area, drawing upon numerous and extensive studies and fieldwork projects over 15 years. The Scheme has been developed and redesigned in order to avoid as many of the cultural heritage assets as possible. In areas where impacts cannot be avoided mitigation measures have been proposed to offset the effects.
- 3.94 The main effects would be from physical impacts during construction. The mitigation strategy for archaeological remains comprises trial trench excavation on three sites, strip, plan and sample excavation on two sites and survey of ridge and furrow on one site. The remaining areas would be covered by a watching brief. There would be no direct physical impact on any historic buildings. The mitigation for historic buildings and landscapes would include the control of noise and dust and protection for any vegetation to be retained.
- 3.95 During the operational phase, screening and landscaping would help to protect the setting of the SM at Lilbourne. Mitigation planting and mounding, as well as the maintenance of existing planting and the use of low noise surfacing, would help protect the setting of the built heritage.

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<sup>33</sup> See correspondence at OBJ01.

<sup>34</sup> HA/08/01 Appendix D, in particular correspondence from Natural England 14 December 2012, where advice is included on a species licence.

Traffic levels through the villages of Catthorpe and Shawell are anticipated to decrease. The reduction in traffic noise would have positive impacts on the listed buildings, their setting and the Conservation Areas. There would be a minor impact on Swinford Conservation Area due to visual impacts and noise increases in part of the village<sup>35</sup>.

- 3.96 The Scheme has been the subject of full consultation with English Heritage and local authorities' archaeologists and heritage officers. The mitigation strategy has been agreed through that process. No objections have been made by any statutory consultee or any other party. In terms of cultural heritage the Scheme is the least detrimental of all the alternative options considered through the development process. The overall significance of environmental effect for the Scheme on cultural heritage would be *Slight Adverse*.

#### *Water and Drainage*

- 3.97 The drainage design is in accordance with the drainage strategy developed in consultation with the Environment Agency. As an integral part of the permanent drainage solution five drainage ponds are proposed to manage run-off and to minimise potential pollution during the operation of the Scheme. All the ponds would outfall into water courses that eventually flow into the River Avon. They would be located alongside proposed carriageways and outside the flood plain. They have been designed to store a 1 in 100 year storm event plus an additional 20% allowance for climate change. Compensatory flood storage areas are included in the design to offset the flood plain capacity impacts of the new alignments.
- 3.98 The outline CEMP sets out good site practice and management measures to avoid or minimise water pollution or other adverse impacts during construction. As part of the CEMP drainage ponds would be constructed early to provide for any accidental spillage during the works. The overall significance of the effect during construction would be *Moderate Adverse*, based on the risk of potential effects rather than on actual impacts that are expected to occur.
- 3.99 The Environment Agency is satisfied that the drainage design meets their requirements. The introduction of flow attenuation and pollution safeguards into an environment where there are currently no such controls is a benefit of the Scheme. Appropriate measures would be in place to manage some temporary risks during construction. Overall the Scheme would lead to an improvement in the quality of runoff to receiving water bodies, including the River Avon and its tributaries. Accordingly the proposals would make a positive contribution towards achieving good ecological status under the Water Framework Directive, resulting in a *Slight Beneficial* effect. The overall assessment is that there would be a *Neutral* effect.

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<sup>35</sup> HA/05/02 Appendix L Table 2.2 provides a summary of traffic flows on the Local Road Network.

## Noise

- 3.100 Noise from the major roads is audible throughout the study area but the noise levels at individual properties are due, in most cases, to the traffic on the local roads adjacent. Therefore the impact of noise from the Scheme is primarily related to the traffic noise from the local road network and the changes that would occur in the distribution of this traffic rather than the physical alterations to the Junction itself.
- 3.101 Noise and vibration during construction would be a localised phenomenon and temporary in nature. Increased noise levels at some properties could result from plant, machinery, on-site construction activities and impacts from traffic diversions. The overall significance of the noise and vibration effect is considered to be *Slight Adverse*. Mitigation measures would be undertaken as set out in the outline CEMP and there would be liaison with local authorities before and during the construction period<sup>36</sup>.
- 3.102 Once the Scheme is operational there would be 204 dwellings exposed to an increase in noise level but 246 dwellings that would benefit from decreases<sup>37</sup>. Moreover, in every noise level change band there would be more dwellings with decreases in noise as a result of the Scheme than with increases. Of the likely perceptible noise increases or decreases (a change over 3 dB) only 12 properties would experience increases and all of these would be under 5 dB change. By contrast some 23 properties would experience decreases of greater than 3 dB, with 9 of those properties experiencing decreases of greater than 5 dB. The Scheme also would reduce noise levels overall with reductions in the numbers of dwellings exposed to the highest noise levels compared with the equivalent Do Minimum scenario. Most of the changes would be a result of the redistribution of traffic on local roads. The use of low noise surfacing on the new motorway and trunk road sections of the Scheme is anticipated to result in a reduction of 3.5 dB. This mitigation measure would be of benefit to those very few residential properties located close to the Junction. The overall significance of the noise and vibration impact is assessed as *Moderate Beneficial*.

## Air Quality and Climate Change

- 3.103 During the construction phase mitigation measures would be put in place as part of the CEMP to minimise as far as practicable fugitive emissions of particles and dust from construction activities and tailpipe emissions from construction vehicles, plant and machinery. Analysis of the effect of the closure of the Swinford/Catthorpe road link for 18 months showed that only one sensitive receptor (on the A5) could be at risk of exceeding the NO<sub>2</sub> Air

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<sup>36</sup> The mitigation measures likely to form part of the CEMP are identified in DD029 at paragraph 6.5.2

<sup>37</sup> HA/09/01 Table 11 (page 37) summaries the overall impact of the Scheme.

Quality Strategy objective<sup>38</sup>. If monitoring showed a particular problem, a temporary speed limit could be introduced to achieve a slight reduction in emissions. Overall, the effects on air quality would be *Neutral* to *Slight Adverse*.

- 3.104 During the operation of the Scheme investigation of NO<sub>2</sub> and PM<sub>10</sub> concentrations at all sensitive receptors, including dwellings and Cave's Inn Pit SSSI, leads to a conclusion that the effects on local air quality would be *Not Significant*. In terms of climate change, carbon and CO<sub>2</sub> emissions from traffic would increase over time with or without the Scheme as traffic increases. Results indicate that over the 60 year appraisal period total CO<sub>2</sub> emissions would increase by 0.7% with the Scheme in place compared to the Do Minimum scenario. Therefore there would be an *Adverse* effect. It should be noted, however, that the standard methodology for calculating emissions does not make allowance for low carbon vehicles such as electric cars and hybrids. In time these are likely to make a contribution to lower carbon emissions.

#### *All Travellers*

- 3.105 The strategy for Vulnerable Users was developed in consultation with local highway authorities, Parish Councils and Meetings, landowners and user groups including the British Horse Society, the Ramblers Association, the Cyclists' Touring Club and the Byways and Bridleways Trust. In general, the present network is considered to be badly fragmented and unsafe. The proposed routes would replace the existing routes that would need to be closed as a result of the Scheme. They would also provide improved utility and recreational links to address key issues that were identified during consultation. In particular, accessibility between Swinford and Catthorpe would be improved. The measures would result in an overall *Positive* effect for amenity and a *Large Positive* effect for severance. The proposed network meets the Scheme objectives to improve safety, increase amenity and reduce severance. As stated in the NTS the overall effect would be *Beneficial*.
- 3.106 It is recognised that some local road users would be inconvenienced by the loss of direct access to the motorway junction and its replacement by an alternative LRN. An assessment of the proposed LRN, which would include a direct route between Swinford and Catthorpe, found that changes in journey times to community facilities, and to the nearest junctions on the M1, M6 and A14, were not significant. The effect was *Neutral*. In terms of amenity and severance there would be benefits for local journeys between Swinford and Catthorpe but these would be balanced by negative impacts for other destinations. The overall effect was regarded to be *Neutral*.
- 3.107 Long distance travellers would benefit from the lack of congestion, the use

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<sup>38</sup> A detailed explanation is provided in HA/41.

of free flow links, clear signage and enhanced views. Two lay-bys on the A14 would be lost but in overall terms lay-by provision would be adequate. The adverse effect of a possible loss of a proposed roadside service area would be limited to A14 eastbound travellers. Taken as a whole, conditions would be *Better*, resulting in an overall *Large Beneficial* effect.

### *Materials*

- 3.108 The works would be carried out in full compliance with the Regulations on waste and materials to protect human health and the environment. No significant adverse effects are anticipated for materials.
- 3.109 The effects of construction activities on below ground geology and made ground around the Junction would be *Slight Adverse*. The areas of made ground around the Junction introduce a risk of *Slight Adverse* effects from potential encounters with contaminated land or water. The Cleanaway landfill site south of the M6 would be avoided by the Scheme but if required a cut off wall would be provided to prevent leachate entering the highway drainage.
- 3.110 Soil management operations would be in accordance with Defra's best practice resulting in a *Neutral* effect. The disposal of a potential 50,000 m<sup>3</sup> earthworks surplus would result in an *Adverse* effect but this is not considered to be significant.

### **Overall Environmental Assessment**

- 3.111 In 2007/2008 a comparative environmental assessment was carried out for the five options that formed the basis for the public consultation in 2008<sup>39</sup>. The Blue Junction was considered to have the greatest environmental impact closely followed by the Brown. By comparison, the reduced scale of the physical development and the smaller footprint of the Red Junction restricted the adverse impacts on landscape, biodiversity, heritage, agricultural assets and nearby properties. The Orange LRN performed the best in environmental terms of the LRNs considered. It provided the greatest opportunity for improving facilities for vulnerable users and had the minimum land take. Therefore the CEA demonstrated that the Red Junction and Orange LRN performed best and had the least adverse environmental impact of the options considered<sup>40</sup>. The CEA and the response from public consultations and stakeholders were taken into account in the Preferred Route announcement in February 2009.

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<sup>39</sup> HA/15/01 Figure E illustrates the alternative junction arrangements considered.

<sup>40</sup> HA/05/02 at Appendix D sets out the information made available in the public consultation in 2008. Appendix E presents an overall environmental ranking of the options, which clearly shows the environmental superiority of the Red Junction over the Blue and Brown Junctions.

- 3.112 Subsequently in taking the project forward there was full compliance with the legal requirements of the relevant EIA Directive through the production of the ES in 2010. Broad agreement was reached through extensive consultation on the scope of the EIA, the methodology to be used and the scope of mitigation measures to be employed. Policies and plans at national, regional and local level were taken into account. The review and update of the ES in 2012 was fully published and advertised.
- 3.113 Development of the Scheme has led to further proposals to reduce environmental effects. In addition to design changes to the layout, proposals include earth mounding and planting and rationalisation of the shape of drainage ponds. A strategy for vulnerable users was drawn up. A range of mitigation measures were identified for inclusion in the design or construction processes. Taking into account the mitigation measures proposed the Scheme would not result in significant adverse impacts on the environment.
- 3.114 As part of the review the cumulative effects of traffic and construction, noise, air quality and visual impact were considered for the properties closest to the Scheme. Overall, the effects would represent a *Minor* cumulative effect. In terms of other projects, account has been taken of general development in the area, the proposed roadside service area at Swinford and wind farms. Any cumulative effect for the Junction would be locally significant and *Minor*.
- 3.115 The Scheme has been assessed in a comprehensive manner. The Scheme would not result in significant adverse impacts and some beneficial effects have been identified. The overall conclusion is that the Scheme very much is the best option.

### **Compliance with statutory and non-statutory criteria<sup>41</sup>**

#### *The Draft Line Orders*

- 3.116 The Scheme is necessary for the purpose of improving a major interchange on the highway network. The ES, the Supplementary Notes and the specialist evidence has demonstrated how the Scheme meets the requirements of national and local planning policy and the requirements of agriculture. Provision is also being made for maintaining statutory undertakers' apparatus that would be affected by the Scheme.

#### *The Draft Side Road Orders*

- 3.117 Where a highway or PMA is to be stopped up as a result of the Scheme a reasonably convenient alternative route or access has been provided, as

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<sup>41</sup> HA/01/01 section 6 sets out in full the HA's case on compliance with the criteria.

described in the schedules and plans of the draft SROs.

### *The Draft Compulsory Purchase Order*

- 3.118 The Scheme design has been carried out to a level of detail to identify the land required to deliver the Scheme, including mitigation requirements. All the land would be used to improve the Junction and the evidence demonstrates that the HA and the DfT have a clear idea of how all the land to be acquired is to be used.
- 3.119 The Scheme has been identified within the HA's Business Plan for 2012/13 for a start of works during 2013/14. Funding for the current development phase has been approved and final approval of the construction phase budget will be sought following the satisfactory completion of the statutory procedures. The Scheme forms part of the Government's Growth Agenda and as such all necessary resources would be made available to carry out the plans within a reasonable time scale.
- 3.120 All statutory procedures have been correctly followed. The draft Orders provide the full range of powers necessary to carry out the proposed Scheme. The HA has carried out surveys and discussed the Scheme with all statutory consultees in order to understand the constraints in the area. Therefore the Scheme is unlikely to be blocked by impediment to implementation.
- 3.121 The Scheme has been subject to a detailed assessment on engineering, economic, environmental and amenity considerations. It is considered to be the optimum solution to meet the significant problems experienced at the Junction, which are adverse to the public interest. It also meets the overall scheme objectives, which are in the public interest. The Scheme cannot be constructed without the acquisition of land which would need to be within the ownership of the HA for management purposes. The acquisition of such land has been limited to the minimum required for the Scheme and essential mitigation. The overall amount has been reduced as a result of design modifications. The Scheme is of national importance and national funding for its implementation has been prioritised in accordance with Government policy. There is no doubt there is a compelling case in the public interest for the CPO.
- 3.122 The compelling case in the public interest for the Scheme justifies interfering with the human rights of those with an interest in the land affected. In this regard, the Scheme generally is in accordance with published Government policies and plans. Local access has been maintained wherever practicable, with the provision of alternative accesses, access tracks and bridleways/footpaths/footways. The Scheme includes appropriate measures to mitigate any adverse effects which might affect any existing rights. The Scheme has been designed to minimise the agricultural land take as far as practicable and the loss represents only a slight adverse effect. The interference with property rights is in accordance

with the law. The impact on the human rights of those affected by the CPO has been minimised so far as possible and the residual interference is both necessary and proportionate in order to achieve the legitimate objectives of the Scheme. The benefits of the Scheme overwhelmingly justify any such interference and private loss.

### **Modifications requested to the draft Orders**

3.123 A number of modifications are proposed to the draft Orders published in February 2010. Document HA/38/01 details the modifications, explains the reasons for them and provides supporting documentation on land ownership.

3.124 The modifications are in response to updated information on land ownership, updates to features on the OS maps (including the replacement of Catthorpe Viaduct), design development and discussions with land owners.

3.125 The design development changes to the Scheme consist of:

- The M6 to M1 southbound link has been re-aligned along its length to the north of the proposed M6 to A14 link. This has allowed its diverge from the M6 to be relocated approximately 250 metres to the east, eliminating modification works to an existing bridge and allowing the Local Link Road to be moved south.
- The merge and diverge layouts to the north of the junction on the M1 have been revised in accordance with new traffic figures. This allows the retention of Shawell Road Bridge.
- The merge and diverge layouts to the east of the junction on the A14 have been revised in accordance with new traffic figures.

3.126 The modifications agreed through discussions with land owners relate to:

- The relocation of drainage pond 3 approximately 160m to the south.
- A reduction in the extent of temporary land take within CPO plot 2/6c.
- An amendment to the extent of permanent land take for the construction of drainage pond 2b included within CPO plot 2/6b, to improve the efficiency of farming the remaining field.
- A revision to the line of proposed public bridleway X6 in the fields south of Stanford Road to mitigate concerns expressed by the landowner about the effect of the bridleway on livestock. This increases land take but with the agreement of the landowner.

3.127 The proposed minor modifications only require the acquisition of additional land in respect of the realignment to public bridleway X6, which is with the agreement of the land owner. The total land take subject to the CPO has reduced from 72.13 ha to 67.92 ha in consequence of the design changes. In summary the details of the proposed modifications, which the Highways Agency supports, are set out below.

*Line Order (A14 Trunk Road) – Key Plan Modification No.1, Site Plan No.1 Modification No.2*

3.128 The Modifications to the plans are required for accuracy due to changes in OS mapping.

*Scheme Order (M1 Motorway Connecting Roads) - Key Plan Modification No.1, Site Plan No.1 Modification No.2*

3.129 The Key Plan and Site Plan No. 1 have been modified for accuracy to reflect the changes in OS mapping.

*Scheme Order (M6 Motorway and Connecting Roads) – Key Plan Modification No. 1*

3.130 The changes in OS mapping have been reflected in the Key Plan for accuracy.

*Scheme Order (M6 Motorway and Connecting Roads) – Site Plan No.1 Modification No.2*

3.131 Site Plan No.1 has been amended for accuracy to incorporate the changes in OS mapping. The modifications to Site Plan No.1 also reflect the proposed design changes to the Scheme which give effect to a change in the line of the M6 (southbound) to M1 (southbound) interchange link.

*Side Roads Order – Key Plan Modification No.1*

3.132 The changes in OS mapping have been reflected in the Key Plan for accuracy.

*Side Roads Order – Schedule 1 and Site Plan No.1 Modification No.2*

3.133 Modification SRO No. 2 is required to give effect to the design changes in the line of the Local Road Network, which consequently amends the extent of the stopping up of public footpath X19 (approximately 0.5m reduction) and the extents of Highways to be improved. Schedule 1 and Site Plan No.1 have been amended to reflect these changes.

*Side Roads Order – Schedule 2 and Site Plan No.2 Modification No.3*

- 3.134 The design changes in the line of the Local Road Network reduce the extents of stopping up of the PMA to Tomley Hall Farm, public footpaths X21a, X21b and X21c and public bridleway X13. The changes to the design also amend the route of new highway (the LLR), the extents of the new public footpath and the location of the new PMA to Tomley Hall Farm.
- 3.135 Information has been received relating to a change in ownership of Old Barn Farm.
- 3.136 Schedule 2 and Site Plan No. 2 have been amended to reflect these changes.

*Side Roads Order – Schedule 3 and Site Plan No.3 Modification No.4*

- 3.137 Modification SRO No. 4 is for three reasons. The first is accuracy, to reflect changes in OS mapping. The second is the design changes to the merge and diverge layouts on the M1 and A14. These changes remove the need to stop up, provide a route of new highway and improve the C7606 Shawell Road, remove the need to stop up 5 m of public footpath X11 adjacent to the C7606 Shawell Road and remove the need to amend the existing PMA to the north of the C7606 Shawell Road and the west of the M1. Thirdly, information was received about a change in ownership of Old Barn Farm. Schedule 3 and Site Plan No. 3 have been amended to reflect these changes.

*Side Roads Order – Schedule 3 and Site Plan No.3 Modification No.5*

- 3.138 Modification SRO No. 5 is required to give effect to the changes in permanent land take for the construction of drainage pond 2b, which consequently amends the route of new public bridleway X11. The Modification also is required to give effect to the change in the line of proposed public bridleway X6 in the fields south of Stanford Road. Schedule 3 and Site Plan No. 3 have been amended to reflect these changes.

*Side Roads Order –Site Plan No.4 Modification No.6*

- 3.139 Site Plan No.4 has been amended for accuracy to reflect the changes in OS mapping in relation to the replacement of Catthorpe Viaduct and its associated approach embankment works.

*Compulsory Purchase Order – Key Plan Modification No.1*

- 3.140 The changes in OS mapping have been reflected in the Key Plan to ensure accuracy.

*Compulsory Purchase Order – Site Plan No.1 Modification No.2*

- 3.141 The current Land Registry information requires a reduction in the area of plot 1/1 along with the creation of plots 1/7a and 1/7b. Both these plots fit within the original extent of plot 1/1 and there is no overall change to the land take. The realignment of the M6 to M1 southbound link requires the deletion of plots 1/6 and 1/6c. The CPO Site Plan No. 1 and the CPO Schedule have been amended to reflect these changes.

*Compulsory Purchase Order – Site Plan No.2 Modification No.3*

- 3.142 The changes in OS mapping have been reflected in Site Plan No.2 for accuracy.
- 3.143 Modification CPO No. 3 is required to correct the identification of the area of plot 2/1d. This was incorrectly shown in the draft Order's Schedule as amounting to an area of 4,706 square metres, whereas the area shown in the draft Order's Site Plan No.2 is 10,302 square metres. The owners Mr Turney and Mrs Roberts were aware of the correct extents of the CPO as the draft CPO plans issued to them correctly identified the extent of land subject to the CPO.
- 3.144 Modification CPO No. 3 is also required to give effect to the design changes to the Scheme. The realignment of the M6 to M1 southbound link and the LLR requires amendment to plots 2/1 to 2/1d inclusive to reflect the reduced extent of land required under the CPO. The revised merge and diverge layouts north of the junction on the M1 require amendments to plots 2/2a and 2/2c as well as the deletion of plots 2/3, 2/3a, 2/4 and 2/4a. The same design change and the reduction in extents of land take in respect of plot 2/6c and in respect of the construction of drainage pond 2b require modification to amend plots 2/6 to 2/6h inclusive. The CPO Site Plan No. 2 and the CPO Schedule have been amended to reflect these changes.

*Compulsory Purchase Order – Site Plan No.2 Modification No.4*

- 3.145 Modification CPO No.4 is required to reflect the receipt of information relating to ownership and occupiers of land. The CPO Site Plan No.2 and the CPO Schedule have been amended to reflect these changes.

*Compulsory Purchase Order – Site Plan No.3 Modification No.5*

- 3.146 Modification CPO No. 5 is required for accuracy due to changes in OS mapping and to reflect information in changes in land ownership available from the Land Registry or as provided by the landowner. The CPO Site Plan No.3 and the CPO Schedule have been amended to reflect these changes.

### *Compulsory Purchase Order – Site Plan No.4 Modification No.6*

3.147 Modification CPO No.6 is required for accuracy due to changes in OS mapping and to reflect information in changes in land ownership available from the Land Registry or as provided by the landowner. In addition the modification is to give effect to the design changes in respect of the revised layouts to the east of the junction on the A14, the relocation of drainage pond 3 agreed with Messrs Grindal and the extent of permanent land take associated the revised route of bridleway X6. The CPO Site Plan No.4 and the CPO Schedule have been amended to reflect these changes

## **4 THE CASES FOR THE SUPPORTERS**

The material points were:

- 4.1 **Mr Undy (REP13, REP14, REP17)** had been familiar with proposals for a junction improvement since day 1. He spoke in a personal capacity and as a local businessman with industrial estates near Rugby. He also represented the Federation of Small Businesses which had over 3,000 members. The business sector supported the Scheme to reduce accidents and improve safety. He referred to support for the inclusion of links between the M1 south of the Junction and the A14 and had sought assurances that nothing done in the proposed Scheme would prohibit their provision in the future. Having seen the Future Option 1 report he confirmed that dealt with his concerns and the Scheme had his support.
- 4.2 **Mr Salaman** is a resident of Weedon and has been in the transport industry for 15 years. He stated that Northamptonshire is the distribution hub for the whole country and reference was made to the future expansion of DIRFT. With no connection from the A14 to the M1 southbound, the alternative was to go through Northampton via the A45. He considered it was imperative to get the junction improvement right to provide free traffic flow cross country. The flow of traffic was the most important consideration on motorways and the worst offence was to interrupt traffic flow. At the present time traffic comes to a standstill on the M1.
- 4.3 Mr Salaman first expressed support for Alternative 10. On the basis that traffic modelling correctly shows no demand for links now, he then confirmed his support for the Scheme on the grounds that it would not prejudice additional links in future.
- 4.4 **Mr Richards** is on Crick Parish Council and also spoke on his own behalf<sup>42</sup>.

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<sup>42</sup> *Inspector's note: In its written representation of 18 May 2010 the Parish Council appreciated that there may not be the funds to create an all-movement junction at the present time and placed on record that nothing should be done to jeopardise the provision of those links in the future. In January 2013, following further information from the HA, the*

In 2010 he had expressed support for the Scheme provided it did not prevent additional links in the future, but as time had moved on he was wondering whether to change his mind.

- 4.5 Mr Richards asked whether account had been taken of the scale of developments in the wider area, including DIRFT and asked whether it would be better to spend money on an all-movement junction now. Clarification was sought on accident information and on the arrangements for emergency access at the junction and whether they could be used for general traffic movements in future. The change from 3 lanes on the M6 to 2 lanes on the A14 was questioned.
- 4.6 At the end of his evidence, and after hearing the HA's responses to his questions, Mr Richards stated he did not support Alternative 1. He confirmed he was satisfied that it had been shown additional movements at the Junction could be accommodated in the future (the Future Option 1 Report) and that he supported the Scheme. Mr Richards expressed some personal reservation about a lack of publicity and that people in the area did not fully appreciate the purpose of the inquiry.

#### **Additional support for the Scheme through written representations**

- 4.7 **Leicestershire County Council** fully supports the HA proposal to improve safety and traffic capacity at M1 Junction 19 and welcomes the implementation of the published scheme without delay. The County Council does not believe that the objectors' Alternative layouts provide significant additional benefits to justify changes to the published Orders. The proposal would help restore safety and access for vulnerable users and help strengthen community connections between Catthorpe and Swinford (SUP10). **Warwickshire County Council** lends full support to the proposals (SUP11).
- 4.8 **Sport England** supported the improvements to the right of way network including footpaths and bridleways as an essential component of the proposals (SUP01).
- 4.9 **Mr Buswell**, a local subscriber to the Byway and Bridleways Trust fully supported the Scheme as published together with the proposed changes to the local road structure and affected rights of way. The constructive approach of the HA to the interest of vulnerable users was welcomed. The local road adjacent to the M6 would provide a direct local route to the A5 and at a junction with much better sightlines. The Catthorpe to Swinford footway would enable children from Catthorpe to walk or cycle safely to school in Swinford. The Scheme should go ahead without any delay because of the known inadequacies of the present junction arrangement (SUP08). Support for the Scheme bridleway was also expressed by **Mr**

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*Parish Council wrote supporting the Scheme (SUP07).*

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**Allen** (SUP09).

- 4.10 **Mr Smith**, the Parish Path Warden for Lilbourne, generally supported and made several detailed observations on the proposed bridleway between Swinford, Catthorpe and Lilbourne. A particular request was that the bridleway should have reasonable foundations and a surface suitable for all users because of the regular flooding of the River Avon and the multiple function of the route (REP18). **Mr Neal of the Cyclists' Touring Club** confirmed he was content with the cyclist provision provided by the Scheme (REP06).
- 4.11 Several supporters of the Scheme commented that improvements to the junction should be done without delay in order to deal with serious congestion, delays and safety problems (SUP03, SUP04, SUP06, SUP09). A resident in Catthorpe considered that the occasional inconvenience would be totally outweighed by its advantages in addressing delays, accidents and associated costs (SUP05).
- 4.12 There was support for eliminating the use of a roundabout for strategic traffic and for the improvement to inter-regional links (SUP06, SUP12). Residents of Swinford and South Kilworth strongly supported a direct local road connecting Catthorpe and Swinford, an end to access to the motorway network from local roads and the provision of a safer and more direct route between Swinford and the A5 (SUP04, SUP12).
- 4.13 **The Coventry and Warwickshire Federation of Small Businesses** (REP17) and the **Coventry and Warwickshire Local Enterprise Partnership** (REP16) supported the Scheme subject to nothing being done to jeopardise the future provision of a link between the M1 south of Junction 19 to the A14 eastbound. Mr Woollven on behalf of **Hako Machines Ltd** expressed a similar view (REP11).
- 4.14 The HA prepared a **Future Junction Feasibility Report - Future Option 1** in response to the request for confirmation that the Scheme would not prejudice the addition of free-flow links between the A14 westbound and the M1 southbound (and reverse) some time in the future<sup>43</sup>.

## 5 THE CASES FOR THE OBJECTORS

The material points were:

**M G Grindal, S M Grindal, J H Grindal, J M Grindal, M G & S M Grindal**

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<sup>43</sup> HA/22/01

## Partnership (OBJ03)<sup>44</sup>

- 5.1 Manor Farm and Old Barn Farm, Catthorpe are within the farming partnership of M G and S M Grindal. There are four partners, all of whom would lose land under the proposals. The Grindal Family, recognising the need for Junction 19 to be improved on the grounds of road safety, has not objected to the principle of the Scheme.
- 5.2 However, the Scheme would have a very significant impact on the livelihood and future of the farms, including permanent loss of land and disruption to day to day farming activities during construction and post completion. Access would be permanently lost to land east of the M1 and there would be an impact on the house and business at Old Barn Farm. The award winning shop and tea room, which has 22 full and part time staff employees, would be at risk of a very significant loss of customers during construction and of suffering a permanent loss of customers due to closure of the junction. Support in securing all possible help in signage and communication would be much appreciated in order to reduce the huge impact on the shop and tearoom during the period of construction.
- 5.3 The two outstanding objections concern (i) the route of the Scheme Bridleway between the M1 and A14 across the land owned by J M Grindal, J H Grindal and D Lloyd, and (ii) farm vehicle access at the junction of Station Road and Swinford Road in Catthorpe village<sup>45</sup>.

### *The bridleway*

- 5.4 The purpose of the new bridleway is to link bridleway X6 (to the east of the A14 and bridleway X13 (to the west of the M1). The need for a new bridleway is not disputed but the published route is not considered appropriate<sup>46</sup>. The Scheme proposal is to construct a new bridleway across productive farmland owned by James and Matthew Grindal. The Grindal Family has consistently objected to the proposed route. The main objections are:
- The bridleway would result in the loss of 1.27 ha (3.14 acres) of predominantly productive arable land. The bridleway's location, some 8 m out from the edge of the field, would make farming the remainder

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<sup>44</sup> Alternative Bridleway 1 was integral to the Grindal Family's case and therefore it is included in this section of the report.

<sup>45</sup> OBJ/003/03 confirms the status of the objections of the Grindal Family. An objection about the location of drainage pond 3 was withdrawn subject to its relocation as proposed by the HA. This relocation has been put forward by the HA as a modification to the published Orders and as such I do not deal with the matter further.

<sup>46</sup> HA/14/01 Figure 8 shows the route. HA/15/01 Figure 3.13 has details of the proposed route and mitigation.

of the field significantly more difficult. Protective fencing to keep horses and pedestrians away from the otter holts and wildlife corridor would increase the difficulty of maintaining the 8 m strip.

- The river margin is the subject of a 10 year Higher Level Stewardship (HLS) agreement with Natural England. The Grindal Family has created an excellent wildlife habitat along the river corridor that is rich in wildlife and home to the otter. The otters and wildlife would be better served by keeping work and disruption close to the river to an absolute minimum. Based on the experience of living and farming in the area, the introduction of people and dogs would be likely to cause the otters and other animals to move away from the area they have inhabited undisturbed for many years. The need for fencing to form part of the proposal shows that people and dogs do not mix with otters. The fencing may be insufficient to prevent dogs straying or it may restrict wildlife's ability to roam freely. Land along the river would have to be removed from the ELS/HLS agreement and relocated elsewhere. This would lead to further loss of prime agricultural land. There would be a risk that horses would stray onto land within the stewardship, putting the agreement at serious risk.
- The route would increase the risk of accidents and fears over safety. Only short sections of the route are proposed to be fenced, not the whole length. A number of people who keep their horses at stables at Old Barn Farm and Manor Farm have indicated they would prefer not to have the bridleway close to the river in case ponies and horses ridden by children were to fall into the river.
- The bridleway would be built in the River Avon flood plain which would make it impassable for large parts of the year. The bridleway would become covered in wet mud and silt which would place horses more at risk of losing shoes and suffering harm.
- The cost of the new bridleway has been underestimated because allowance has not been made for such factors as the value of the land taken, the loss of crops on the land, maintenance of the bridleway and the costs of irrigation pipes.
- The consultation did not include landowners or local members of the British Horse Society.

### *The Station Road junction*

- 5.5 The width of the road at the Station Road junction in Catthorpe village is too narrow for farm machinery, especially the tractor mounted seed drill and the combine harvester, to enter Station Road without the farm vehicles' wheels mounting the kerb and driving across the grass verge. The width of

the junction is further restricted because of car parking on Station Road<sup>47</sup>. A combine harvester is occasionally taken through the junction because it is the only route to some of their fields but use is kept to a minimum. The loss of the access at the dumbbell roundabout to the fields east of the M1 would lead to a significant increase in the use of the junction. In turn this would cause damage to the kerb, to farm vehicles' wheels and to the green space.

- 5.6 Parking restrictions would be unfair on residents who park outside their homes. Therefore an improvement at the junction is sought to increase the width of the road by about one metre. This improvement is of significance to the smooth running of the farm, taking account of the one way scheme that is operated and the different ownerships of land blocks within the farming partnership. For these reasons an upgrade of the access track at Old Barn Farm, which crosses land owned by J H Grindal, would be insufficient.

### ***Alternative Bridleway 1***

- 5.7 Proposed Alternative Bridleway 1 would run around the boundary of the Grindal Family's field. It would follow the route of the existing bridleway (which the Scheme proposes to extinguish), along the western field boundary and then continue along the track that the Scheme is proposing to create in order to access drainage ponds DP3 and DP7<sup>48</sup>. The proposal has a number of advantages.
- 5.8 Alternative Bridleway 1 would be very beneficial to the farming operations because very little land would be lost and there would be much less disruption to farming activities and wildlife in the field during the construction. The existing HLS/ELS agreement would remain in place and not be put at risk.
- 5.9 The alternative route would deliver significant cost savings to the Scheme. The HA estimated the savings to be approximately £55,000<sup>49</sup>. However, this is considered to be an underestimate. When account is taken of factors such as the value of crops lost, maintenance costs, fencing and irrigation Alternative Bridleway 1 would save approximately £100,000 to £150,000. The saving of public money has greater significance when assessed on a per user basis.

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<sup>47</sup> OBJ/003/2 includes a photograph of the junction.

<sup>48</sup> The route is shown on HA/21/01 Figure 3.1 and Plan ref P/B0531000/B/120/050. OBJ/003/2 includes photographs of the existing bridleway and the field.

<sup>49</sup> The HA estimated that a decrease in the bridleway construction area would lead to a saving of around £12,000 (HA/32).

- 5.10 The impact on wildlife and the risk of otters and other animals moving away from the area would be completely avoided. Environmental and habitat benefits would continue under the existing agreement with Natural England.
- 5.11 The alternative route would largely follow the existing bridleway and therefore there would be no loss of amenity from what is already enjoyed. The slightly longer route would not be important because horse riding is now largely a recreational hobby. The noise would be less than experienced along the river route because of the screening provided by the embankment and planting to the M1. Horses would be less likely to be spooked. The route would be available all year round, especially in winter and provide a ride when the river corridor is flooded. The existing track would be replaced, widened and extended as part of the Scheme, providing an opportunity for a surface appropriate for use by a wide variety of users, including those with a disability, throughout the year. Visibility is very good and there would be no conflict between horses and slow moving farm vehicles.
- 5.12 In conclusion Alternative Bridleway 1 would minimise the impact of the new bridleway on the farm, agricultural assets and wildlife and is expected to produce significant cost savings to the Scheme. The benefits vastly outweigh any impact on the infrequent users of the bridleway. The HA's objections do not stand up to scrutiny, particularly in respect of improving the wildlife corridor.

### ***Alternative 7***

- 5.13 Michael and Susan Grindal and Matthew Grindal support Alternative 7 due to the reduced impact on the Farm and likely cost Scheme savings<sup>50</sup>.

### **The case for Mr D Lloyd**

- 5.14 Mr Lloyd owns Lilbourne Lodge Farm and his holding extends north to the River Avon. The proposed bridleway would be partly on his land where it crosses to the south of the river. Mr Lloyd supported Alternative Bridleway 1 because it made financial sense. Any disturbance from the traffic would be slight and the alternative route would not be subject to flooding. No disturbance would be caused to wildlife, whereas the Scheme bridleway and its construction would lead to a lot of disturbance. His farm is in ELS and everything that ELS stands for would be sidetracked. As a result of the Scheme bridleway land along the river would no longer qualify for ELS and he would have to find alternative land to achieve the necessary number of points to receive payments through the Stewardship scheme. It would be difficult to find alternative land with a high yield in points. The proposed fencing was of concern especially because of the problems with dogs.

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<sup>50</sup> The objection from James Grindal is reported at 6.8 below.

## **Counter supporters for Alternative Bridleway 1**

- 5.15 Thirteen additional written representations were received in support of Alternative Bridleway 1 (CS05-08, CS10, CS12-19). Most supporters said they were regular users of bridleways around Catthorpe and included Jo Grindal and ten members of the Lloyd family. The Alternative route was said to be better because it would be safer and useable all year round, wildlife would remain undisturbed and the infrastructure was in place. By comparison, the Scheme bridleway would be wet and flood, disturbance would be caused to wildlife and near the river riders would feel unsafe because horses are unpredictable.

## **The case for Mr S Morris and Mrs J Morris (OBJ05/OBJ08)**

- 5.16 Mr and Mrs Morris farm at Lambcote Hill Farm. Improvements to the Junction are supported to improve safety. Their objection was to the proposed bridleway that would cross over their land, where there has never been a bridleway before. The bridleway would be used for pleasure at the expense of the farmer and the welfare of the animals. Mr and Mrs Morris spoke of their passion about farming and their distress in discovering injured and worried livestock as a result of inconsiderate actions by users of PRow. The farm would be hit hard by the Scheme through temporary and permanent land take, but they have reluctantly accepted this. They were seeking reconsideration of the bridleway and proposed alternative routes following the A14 to Rugby Road.
- 5.17 After Mr and Mrs Morris gave their evidence, discussions took place with the HA. The HA is promoting an amended proposal that would re-route upgraded bridleway X6 along the side of the field, as reflected in the modifications now proposed to the Orders. The modification is acceptable to Mr and Mrs Morris on the basis that the modification is confirmed. Their objection to the drainage ponds also was withdrawn as a result of proposed modifications by the HA.

## **The case for Messrs A C & R C W Turney (OBJ04)<sup>51</sup>**

- 5.18 Tomley Hall Farm extends to some 143 ha (350 acres), with the two main blocks of land lying north of the M6 motorway and to the north of the Shawell to Swinford Road. The majority of the land is used for grazing cattle and sheep. Some of the grass is mown for silage and the arable is used for growing oil seed rape and wheat.
- 5.19 Messrs Turney do not object to the principle of the improvements to the interchange. The main focus of objection is to the proposed LLR, which will

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<sup>51</sup> The statutory objection was made by Messrs Turney. Mr A C Turney explained their case in more detail at the inquiry.

create major implications on the farming operation. Public rights of way should be rationalised. Moreover, previous schemes have been left unfinished. There is a danger that similar future difficulties will result from the current scheme and will be another negative legacy affecting the farm in perpetuity.

- 5.20 The LLR is no longer needed because it is now proposed to retain Rugby Road between Swinford to Catthorpe. With the junction improvement rat running through Catthorpe and Shawell would no longer be necessary and traffic through the villages would be reduced. It is not clear who will use the new road. Most of the farms use the link through Shawell. The preferred routes will continue to be used (A5 northbound to the Gibbet Hill roundabout via Shawell and A5 southbound via Catthorpe). Furthermore, the link road access to the A5 is not safe, especially for traffic turning north with a tractor and trailer.
- 5.21 The HA justifies the proposal to incorporate a wide verge along the LLR by the need to provide for pedestrians and equestrians. However, the wide verge is not necessary because these vulnerable users have not had these facilities in the past. The proposal will encourage litter and unauthorised use of the verge (as traveller sites or for fly tipping), which would cause problems for the farm. Other local roads in the area have had the wide verges reduced by banking and planting to prevent inappropriate use. If the wide verge is retained, it should be planted and mounded as part of the landscaped area.
- 5.22 Messrs Turney recognise that the land identified for the LLR would be required for temporary traffic diversion during construction but fail to understand why the LLR and wide verge are essential for the scheme. If the reason is to avoid the cost of reinstatement to agriculture, the land would be better retained within the motorway boundary as part of a landscaping area for the benefit of wildlife and to provide screening.
- 5.23 The design of **Alternative 7**, incorporating a more complex structure at the junction, and the increase in cost of £26.7m are disputed. An alternative arrangement is proposed avoiding changes to the bridge structure included in the Scheme. A mini-roundabout, including access into Stonebank, would be incorporated on the Swinford to Catthorpe Road to the north of the Junction<sup>52</sup>.
- 5.24 The many public rights of way were established in previous eras and were used by inhabitants of outlying farms as walks to Catthorpe Church and Estate. The public rights of way should have been consolidated when the M6 and A14 slip road were put in place and this omission should be put right now to enable the farm to continue in future. The M6 motorway cut across routes over Tomley Hall Farm, which led to the virtual abandonment

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<sup>52</sup> See OBJ-004-2 Plan T6.

of Footpaths X21a and X21c and Bridleway X13. The provision of the LLR will create circular routes. The intensification of the use of the footpaths and bridleways and excessive public access onto the property (legitimate and otherwise) are of great concern because of problems and disturbance caused to the livestock, such as dogs alarming sheep and their lambs and gates being left open so that stock get out. It would be useful to have fields where it is possible to put stock that should not be mixed with the public.

- 5.25 A rationalisation and diversion is proposed, including the diversion of Bridleway X13 onto the route of X14, to provide access along wider tracks and paths<sup>53</sup>. As a result two fields would not be accessible to the public. The process is very expensive and difficult for a land owner to achieve alone. Support is sought for alterations to be progressed as part of the Scheme, if the LLR and the wide verge are to be retained. The current proposals were imposed on landowners rather than discussions taking place with them first.
- 5.26 The access to Stonebank<sup>54</sup> was intended to be only temporary but the access remains and issues relating to track and hedge maintenance and land drainage remain unresolved. The HA should restore the original access to Stonebank from the Catthorpe to Swinford Road so that the track across Tomley Hall Farm can be returned to the farm.
- 5.27 The only benefit from discussions over many years has been the embankment to screen the traffic on the M6/A14 connection. The Scheme would result in the loss of all the landscaping on the M6 motorway embankment and the use of the LLR as a temporary link for M6 to A14 traffic. During previous works in 1993, it was impossible to sleep at night or to get hold of the environmental health officer. No proposals for mitigation have been offered to Messrs Turney, whose house faces the works. As a minimum the temporary M6/A14 access must be screened both visually and acoustically. The preferred solution would be to put the temporary access/LLR into a cutting, with a brick retaining wall along part of its length. Details and costings of fencing and gates should be provided by the HA and be agreed in due course. Details of accommodation works are awaited and clarification sought on lighting schemes, construction noise night time working and proposed mitigation.
- 5.28 In assessing the impact of the Scheme on the farming business, Mr Rogers took insufficient account of matters concerning land drainage and public access. The minor reduction in land take is of less importance than the

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<sup>53</sup> Proposals for Alternatives 1, 2 and 3 are shown on plans T5 attached to the proof of evidence document OBJ-004-2.

<sup>54</sup> Stonebank is a property located to the west of the M1 and north of the dumbbell roundabout. The current access is by means of a track from Shawell Road to the north. The track is adjacent to land on Tomley Hall Farm.

greater loss to farming practices. All liability for maintaining boundary fences would be placed on the farm. Breaches in fences could lead to increased crime, which is on the rise in the countryside. It becomes more difficult to show illegal access if there are PRow across the fields. The wide verge would encourage parking and greater access.

- 5.29 Ideally compensation would be used to replace land that is taken but that is rarely possible because of land availability and other factors. As a result the compensation may not be used to reinvest immediately, leading to tax liabilities. In the meantime the farm business has to carry the higher fixed costs per acre and long term falls in profitability. The ability to mitigate loss becomes harder. Taking a historical view, any figure agreed at the time of compensation has become totally inadequate 10 to 20 years later. Such considerations indicate the impact on the farm business going forward.

### **The case for Mr Wilson (NSOBJ16)**

- 5.30 Mr Wilson is a retired transport manager with 48 years experience in logistics and freight movement. The improvement of Junction 19 is supported in principle. The objection is to the restricted movements of the Scheme, based primarily on traffic flows and the expansion of DIRFT.
- 5.31 Traffic survey information shows that the number of vehicles moving onto/from the A14 from other than direct routes (ie. M1 south from beyond junction 20 and M6 west beyond junction 1) is approximately 4,400 per day<sup>55</sup>.
- 5.32 Plans have been submitted to build DIRFT 3, which would treble the size of the existing DIRFT and include a new enlarged rail container terminal. A new container port London Gateway is due to be completed by the end of the year. This could change traffic flow and increase road traffic movements into and out of DIRFT. Based on past experience, the predicted traffic flows of the HA are not accepted as accurate, it is hard to predict future flows. There will be a lot more traffic than predicted because of DIRFT. At present the A14 between Junction 1 and Junction 19 has a restricted flow, whereby HGVs are restricted to use of the nearside lane. Consequently the speed of HGVs is limited to the slowest vehicle.
- 5.33 The Junction should be improved to cater for all movements, as proposed by the Blue Option in 2002 and the A14 upgraded to three lanes. Traffic flow would increase considerably. Alternative Junction 1 is supported. It would be more economical to do a complete job in one go rather than later at greater cost. The benefits would outweigh the harm in the long term.

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<sup>55</sup> See NSOBJ/16/1 for a full explanation of how this conclusion is reached. Traffic survey information was provided to Mr Wilson by Mr Turnbull, as set out in HA/39.

## Written representations of objection

### Swayfields (Rugby) Limited (OBJ02)

- 5.34 In October 2005 Swayfields (Rugby) Limited acquired the freehold title of an area of land lying south of Rugby Road and north of the A14 (the Land). The Land had the benefit of outline permission for the erection of a service station. The CPO affects three plots, Plot 2/9, 4/4 and 4/4a, within this larger area. Swayfields is no longer trading (as it is unable to develop the land) but remains solvent. As charge holder over the Land Deutsche Postbank (DPB) is authorised by Swayfields to represent its position and objection.
- 5.35 The Scheme would mean that Swayfields, the bank, or any other party would not be able to develop the Land as permitted by outline planning permission for the erection of a fuel filling station, restaurant and lodge with associated lorry, coach and car parking and direct access off the A14 (ref 99/00749/OUT). The outline permission has been implemented. A resolution was made to grant reserved matters approval on 11 November 2003. The HA did not object to the reserved matters application.
- 5.36 In March 2004 the HA agreed in writing that the Land would be designated as a motorway service area and be given access from Junction 19. Under the draft CPO the land which would have formed the access would be acquired. The Scheme makes no provision for an alternative access. Following discussions in July 2005 the HA acknowledged the principle that the approved access arrangements could be replaced with an alternatively designed ingress/egress which would be compatible with the original Preferred Option. The position now held by the HA does not reflect the discussions held between the parties. The commitment by the HA to provide access, on which both Swayfields and DPB relied at the time of acquisition, is still applicable. Furthermore, the major disadvantage of the loss of the consented service station has not been properly weighed against the benefits of the scheme.
- 5.37 There was insufficient evidence of public opinion to change the preferred route to that of the current scheme, in part because of the less extensive nature of the consultation process.
- 5.38 The Scheme will provide for a limited number of traffic movements between the M1, A14 and M6. It is not the optimal solution that a 4 level all-movement junction would provide. It will not alleviate the need for motorway traffic to use local roads when transferring between the M1 southbound and the M6 or from the M6 to the northbound M1.
- 5.39 The Explanatory Statement, which was submitted with the application for the Scheme, does not identify a clear funding source for the Scheme. There is no guarantee that the proposed Scheme will be approved for funding despite its inclusion in the Government's Programme of Major

Schemes. Given the delay that has already occurred and the impact this has had on affected landowners it is essential that funding is demonstrated and landowners are provided with a definite timetable for acquisition and compensation.

- 5.40 The Scheme does not provide the lorry park and truck stops which in 2003 were considered essential parts of the Scheme.
- 5.41 There is no evidence that local planning policies have been taken into account in contravention of the guidance in Circular 06/2004<sup>56</sup>.
- 5.42 In conclusion, the Scheme will prevent the development of the land as permitted by the outline permission. Therefore Swayfields and DPB are unable to dispose of the land and recover the value of it. The value of the land has significantly diminished as a result of the changes to the Scheme and the Land is blighted. The HA has failed to demonstrate there is a compelling case in the public interest for the use of compulsory purchase powers.

#### **Too Zarr Ltd (NSOBJ28)**

- 5.43 *Too Zarr Ltd* is interested in developing a truck stop on the Swayfields site for 400 HGVs because of the increasing demand for such facilities. The objection is that the Scheme does not provide access into the land from the strategic road network. The service station site would become unviable if the current proposals go ahead.

#### **CPRE Warwickshire (NSOBJ22)**

- 5.44 CPRE Warwickshire's position is that the levels and related details of the scheme when constructed should make possible and not prevent the future construction of a high speed railway line alongside the M1 on its west side through the rebuilt interchange<sup>57</sup>. A proposal for an alignment alongside the M1 has been made by Railfuture. It appears that the Railfuture HS rail alignment (shown on Railfuture HS Plan 42) would in principle be able to be added through the Junction 19 as rebuilt. Initial examination suggests this would require some adjustment to the exact levels of either the new east west A14 or the rebuilt M6 (west) to M1 (south) link road or both. No changes to horizontal alignment would be needed and therefore no changes to the published draft Schemes and Orders would be involved. Essential information is not available to enable further technical work to be done. The Inspector is requested not to report on the objection or make findings on it but to note that the matters raised are anticipated to be the subject of

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<sup>56</sup> ODPM Circular 06/2004 Compulsory Purchase and The Crichel Down Rules (DD153)

<sup>57</sup> The position is that set out in correspondence dated 14 March 2013 NSOBJ22/01.

late representations to the Secretaries of State.

**Additional matters raised by objectors in written representations:  
Alternative junction layouts<sup>58</sup>**

5.45 A common theme is that all objectors agreed that the junction was in need of improvement because of the congestion, delays and accidents. The objections centred on the fact that the Scheme would not cater for certain traffic movements to a lesser or greater extent.

**Dr Haller (NSOBJ03), Mr Cheyette (NSOBJ06), Mr Owen (NSOBJ07),  
Converteam UK Ltd (NSOBJ10), Morgan-est (NSOBJ15), Metso Minerals  
(NSOBJ17), DK Packing and Casemaking Ltd (NSOBJ18), Mr Baildon  
(NSOBJ19), ECL Contracts Ltd (NSOBJ20)**

5.46 Objectors made similar points to those raised by Mr Wilson. They considered that the proposed restricted movements junction was a lost opportunity and poor planning especially with development planned in the area.

5.47 More specifically, Dr Haller was concerned about traffic cutting across through West Haddon from A14 Junction 1 to the M1 at Junction 18. Mr Owen highlighted the inclusion of a link between the A14 and M1 southbound to reduce the volumes of traffic either taking the A4304 to Junction 20 at Lutterworth through several small villages or taking the A508 through to Junctions 16 or 15A thereby reducing congestion in Kingsthorpe. Mr Baildon did not accept the traffic forecasts and asked that "the missing links" be included in the scheme.

5.48 Several businesses were concerned that the Scheme would result in the loss of the existing M6 to M1 northbound link. Because of existing congestion at Junction 19 the firms use the A426 north to Junction 20 of the M1 but find that the junctions with the A5 and the A4303 are a cause of long delays. They described the omission of the option to join the M1 north at Junction 19 as a major omission. The proposal should revert to an all-movement junction in order that business and employment would no longer suffer from totally inadequate major infrastructure.

5.49 Converteam UK Ltd (a business based in Rugby) raised a particular concern over the loss of the ability to travel from the M6 southbound to the M1 northbound and vice versa. The firm's products are huge and the alternative route between M6 Junction 1 to the M1 Junction 20 via the A426 was not suitable for abnormal loads.

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<sup>58</sup> The Alternative junction layouts prepared by the HA are described in Documents HA/20/01, HA/20/02, HA/20/04, HA/20/05, HA/20/06. Document HA/20/07 provides a summary of the junction layouts and movements.

- 5.50 In response to the objections, **Alternative 1** would provide an all-movement junction and is broadly equivalent to the Blue Junction subject to public consultation in 2002 and 2008. Alternative 1 utilises a grade separated roundabout and three free-flow links to provide a four level interchange. Access to the interchange from local roads would be removed. The local road network would include a new road between Shawell Lane and Shawell Road and omit the direct link between Swinford and Catthorpe.
- 5.51 Following publication of the Alternative, support for this option was received from Deutsche Postbank because it would allow access to Swayfield's land from Junction 19 and for the site to be developed in accordance with the existing planning permission (OBJ02). Ms Allen considered Alternative 1 to be the most cost effective solution long term and that it would bring all long distance HGV traffic to one interchange (CSUP09).

### **Mr Reed (NSOBJ23)**

- 5.52 Mr Reed put forward a proposal that he considered would take account of safety, continuity of traffic flow and the environment.
- 5.53 **Alternative 3** was the HA's best interpretation of the proposal. The layout would retain the existing junction but with the addition of two separate tunnels providing free-flow links between the M6 and A14 and at grade free-flow links between the M6 southbound and M1 northbound and the A14 westbound and M1 southbound.
- 5.54 Mr Reed withdrew his objection, mainly because of the estimated cost of Alternative 3. Support for Alternative 3 was received from Ms Kent (CSUP04) and from Mr and Mrs Robottom (CSUP02), who have a business at Westfield Farm near Swinford. They were concerned that the Scheme would adversely affect HGV access to their premises. Mr Waterfield (CSUP03) and Mr and Mrs Priest (CSUP20) supported the Alternative on the basis that it would maintain local accesses and accesses to major routes, reduce land take and pollution. Swinford Parish Council considered tunnels would lesson the impact on the village (CSUP21).

### **Mr Rushton (NSOBJ09)**

- 5.55 Mr Rushton objected that the Scheme does not include the links M6 to M1 northbound and A14 to M1 southbound. He thought that the junction should be improved once and for all to cater for expansion at Daventry and Rugby. A similar objection by Ms Stuart was withdrawn, who now considers the proposed route acceptable.
- 5.56 The additional links sought have been expressed by the HA as **Alternative 8**, which would be the same as the Scheme but with the addition of two free-flow links. Subsequently, no response was received from Mr Rushton and there are no counter supporters.

**Mr Walker (NSOBJ02), Mr B Clarke (NSOBJ05), Mr Howes (NSOBJ13)<sup>59</sup>, Mr Hemmings (NSOBJ14)**

- 5.57 The objection was that the proposal does not include a link between the A14 westbound and the M1 southbound. Its inclusion would cut delays and reduce journey times. Mr Hemmings considered the addition of a link in the future would be significantly more expensive.
- 5.58 The additional link sought has been expressed by the HA as **Alternative 9**. This Alternative would involve the construction of the Scheme with the incorporation of an additional at grade free-flow movement between the A14 westbound and the M1 southbound. Mr Hemmings confirmed that the layout was what he had in mind.

**Mr Deacon (NSOBJ26), Mr Lyman (NSOBJ01), Mr Winter (NSOBJ25)<sup>60</sup>**

- 5.59 Mr Deacon was dismayed that a vital link is not included in the Scheme, namely a direct link from the A14 westbound to the M1 southbound and from the M1 northbound to the A14 eastbound. He considered the failure to do so would move the congestion points to Junction 1 of the M6 or Junction 20 of the M1. It was short sighted not to include this link to connect the A14 with the ever expanding DIRFT. Mr Winter expressed a similar view. Mr Lyman considered the absence of these links was very short-sighted and would need to be remedied within the next decade at considerable expense. On another matter, Mr Deacon, a resident of Clifton upon Dunsmore, also expressed disappointment he was not included in the distribution list of the NTS<sup>61</sup>.
- 5.60 **Alternative 10** would incorporate the Scheme with additional free-flow links between the M1 northbound to the A14 eastbound and between the A14 westbound and the M1 southbound. Mr Deacon confirmed that Alternative 10 accurately interpreted his proposal. The Alternative was supported by Mr Winter, who suspected traffic forecasts were inaccurate given the number of vehicles using the DIRFT facilities on a daily basis. There are 2 counter supporters: Mr Haynes (REP02) because it would avoid the need for detours via the M1 Junction 20 or M6 Junction 1, and Mr Farmer who refers to DIRFT (CSUP01).

**Additional written representations**

- 5.61 **Mr Cox (REP01)**. In 2010 Mr Cox had no objection to the proposal but

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<sup>59</sup> Mr Howes withdrew his objection but only because he could not come to the Inquiry. His concerns remained. Therefore I have included his objection.

<sup>60</sup> The HA considered that Mr Lyman's and Mr Winter's objection was best met by Alternative 1.

<sup>61</sup> Mr Deacon objected to the Scheme in December 2012.

was surprised a major intersection did not provide for free-flow movements from the M1 southbound to the M6 and from the M6 south to the M1 north. He anticipated the social benefits would outweigh the negatives. In November 2012 he considered the improvement should be of a sufficiently high standard to prevent a need to return to the project in the foreseeable future and was depressed to see that reduced traffic flows were being used to justify a reduction in the road improvements.

- 5.62 **Mr Haynes (REP02)** asked that consideration be given to the effect of the project on the village of Welford. Traffic uses the village as a rat run between the M1 Junction 20 and the A14 to avoid Junction 19. He was particularly concerned that the village would not be an official diversion route or be used by construction traffic.
- 5.63 **Mr Horner (REP05)** in 2010 agreed Junction 19 needed improvement but was concerned about the effect on Welford during the construction period. In 2013 Mr Horner wrote on behalf of the Welford Action Group with similar concerns and requested a weight restriction be put in place.
- 5.64 **Mr Robbins (REP09)** was broadly in support of the proposal and the segregation of the LRN from the motorway network. He asked that the severance took place before construction started and that construction traffic be ordered not to use the LRN. He requested a physical barrier be installed at the emergency service accesses to prevent misuse. He also asked that lighting of the Junction be arranged to minimise light pollution of the countryside.
- 5.65 **Dr Wiggins (GEN12)** raised concerns about the appropriateness of the Catthorpe Road/A5 junction.

### **Withdrawn objections**

- 5.66 **Rugby Borough Council (OBJ07)** withdrew its objection because it recognised that the construction of an all-movement junction is not achievable at the present time. The Council asked that consideration be maintained to the provision of a direct link from the M6 to the M1 North should this prove practical in the future. The improvements should be undertaken at the earliest opportunity.
- 5.67 **Northamptonshire County Council (OBJ06)** remained of the view that an all-movement junction should ideally be provided but withdrew its objection because the additional costs and impacts of such a junction would not match the benefits. The scheme as proposed represents the best value for money solution to the problems at Junction 19. Concern remained about the impacts the proposed scheme would have on the road network in Northamptonshire, including the A43, because the A14 to M1 south movement is not catered for. Attention is drawn to the innovative methods being explored to solve these problems.

- 5.68 In the light of further information by the HA, **Mr P Clarke** (NSOBJ08) confirmed his original comments were in the form of a suggestion rather than an objection. **IChemE** (NSOBJ21) accepted given the constraints on funding, traffic numbers did not justify an all-movement junction.
- 5.69 **Alternative 5** was put forward by the HA in response to an objection from **Mr Barnard** (NSOBJ04). Mr Barnard, who has moved from the area, withdrew his objection and Alternative 5 was not pursued.

## 6 THE CASES FOR THE COUNTER OBJECTORS

The material points were:

### Alternative Bridleway 1

#### Vicki Allen

- 6.1 Vicki Allen is the Access and Bridleways Officer for the British Horse Society and the Chair of Leicestershire and Rutland Bridleways Association. The alternative route would be excessively lengthy and indirect and not particularly pleasant from a recreational point of view. Bridleway routes along a motorway are not relaxing and traffic emissions are an issue. Surveys have shown that use of the existing bridleways leading to the dumbbell roundabouts have a low level of use.
- 6.2 The design process has been long with consultation meetings and feedback. An objective is to encourage more riders to come from outside the area and to encourage the use of the underpass. Flooding would not necessarily preclude use. Whilst aware that horses have fallen into rivers, the same is not true for riders on horses. There are instances where horse riding occurs on HLS land and fears of damage can be exaggerated. Horse riders are aware of the problems if stock get out of fields and most riders shut gates. It was understood that the Scheme bridleway proposal was discussed with landowners and is the best scheme on offer.

#### Written representations

- 6.3 **Leicestershire County Council (SUP10)**. The alternative route, being some three times longer, would be substantially less convenient and offer a rather unpleasant walking and riding experience. The route takes no account of the aspirations expressed in consultation meetings to reduce severance and to provide less tortuous routes.
- 6.4 **Mr Buswell (SUP08)**. Alternative Bridleway 1 would offer an unpleasant alternative to what is being proposed. Whilst it could be ridden without difficulty using the hardened vehicle access to the drainage ponds, communication would need to be by gesture or shouting due to traffic

noise. It is noticeable how little the existing long diversionary routes are used.

- 6.5 **Mr Smith (REP18)** considered the noise and smell of traffic would be likely to reduce any pleasure in the relatively open views to the south east. An advantage of the Scheme route is that its construction and subsequent use would be unaffected by re-modelling the interchange and could therefore provide the diversionary route.

### **Alternative junction layouts**

- 6.6 **Leicestershire County Council** did not support Alternative 1 because it would not provide a direct link between Catthorpe and Swinford. The diverted route between these villages would also have to cater for through traffic on the LRN as well as vulnerable users. Therefore the alternative is not supported because of the significant safety implications for Shawell Road and the failure to provide the envisaged vulnerable user benefits. Alternative 3 was considered poor value for money and without the envisaged vulnerable user benefits. Alternative 7 was not supported because the increased traffic flow would have a detrimental effect on Catthorpe village and vulnerable users on Swinford Road/Rugby Road. Alternatives 8 and 9 offer no obvious benefits over the published Scheme and altering the layout could delay scheme delivery. Alternative 10 could have significant additional environmental impact on Catthorpe Manor that would require full consideration if the alternative is taken forward (SUP10).
- 6.7 **M G and S M Grindal, J M Grindal and J H Grindal** objected to Alternatives 1, 3<sup>62</sup>, 8, 9 and 10 because of the significant additional impact the schemes would have on their farms, in terms of land lost and their day to day farming operations (OBJ03).
- 6.8 **J H Grindal** objected to Alternative 7 because of the significant additional impact it would have on Old Barn Farm, Catthorpe (OBJ03).
- 6.9 **Swinford Parish Council** objected to Alternative 1 because a large roundabout would further encroach into the village (CSUP21).
- 6.10 **Mr Buswell's** objections were that Alternative 1 was a complicated and difficult to use junction. Retaining the current junction in Alternative 3 was a retrograde step. Alternative 7 offered little advantage to local users. In Alternative 8, the link from the M6 southbound to the M1 northbound was unnecessary because of the A426 road. Alternative 9 did not provide an additional link from the M1 northbound to the A14 eastbound. Alternative 10 was the scheme he preferred but the delay would be unacceptable

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<sup>62</sup> The objection letters state Alternative 2 but I have taken this to be an error and that it should read Alternative 3.

(SUP08).

- 6.11 **Ms Allen (British Horse Society and Leicestershire & Rutland Bridleways Association)** commented that Alternative 1 would involve severance of the Swinford/Catthorpe Road and a long road based alternative would be likely to incorporate a precious bridleway. Alternative 3 apparently makes no provision for PRow. Opening up the area to a higher level of development and increases of traffic on the LRN would be undesirable. The main concern on Alternative 7 would be impact on recreational users of the increased traffic through Catthorpe and what mitigating measures could be provided.

## 7 THE RESPONSE BY THE HIGHWAYS AGENCY

The material points were:

### **Objection by M G, S M, J H and J M Grindal and the M G and S M Grindal Partnership (OBJ03)**

#### ***The Bridleway***

- 7.1 The objection is only an objection to the route of the Scheme bridleway between the A14 and the M1. The promotion of Alternative Bridleway 1 is by way of modification to the draft Orders. Document HA/43/01 identifies the modifications that would need to be made. Whatever view is reached on the objection, it would not prevent the Scheme from proceeding. That said, the Scheme bridleway has clear benefits over the Alternative and the Scheme should be approved with the Scheme bridleway in place.
- 7.2 The Scheme bridleway would offer the most direct, logical and desirable route for users. By contrast Alternative Bridleway 1 would provide an indirect, inconvenient and poorly designed route.
- 7.3 The Scheme bridleway would involve the loss of some productive agricultural land. The comparative areas affected are:
- Scheme bridleway: Grindal Family 11,438 m<sup>2</sup> / Mr Lloyd 2,815 m<sup>2</sup>.
  - Alternative bridleway 1: Grindal family 853 m<sup>2</sup> /Mr Lloyd 1,166 m<sup>2</sup>.
- 7.4 Therefore the net difference between the two routes is a loss of 1.06 ha of land from the Grindal Family. The Scheme bridleway involves greater temporary land take. In terms of permanent land take there is no material difference, if the Grindal Family chose to take back the land into their ownership. Whilst the bridleway and 8 m headland would not be available for agricultural use, the land would be in environmental use. The probability is that although a strip of land would come out of the ELS

- options it could be used for HLS options resulting in higher payments. Even if this did not come to pass any resulting loss to the farm business would be a matter for compensation. A further significant benefit is that the Scheme proposal would enable two existing footpaths across the field (X7 and X8) to be stopped up, reducing the interference and obligations imposed on farming operations.
- 7.5 The biodiversity objections to the Scheme bridleway are based on uninformed or anecdotal opinion. In contrast, Mr Steggall's expert evidence was supported by rigorous survey work, academic research and agreement from other experts, including Natural England and specialist officers at local authorities. There is no evidential basis for questioning his judgement.
- 7.6 The Scheme bridleway would result in very positive biodiversity benefits for the River Avon, otters and wildlife along the corridor. It has been routed to avoid the principal otter holts and laying up areas. The 8 m headland, the proposed planting and fencing would protect otter activity and wildlife. The river bank would be re-graded, otter refuge habitat created and an otter ledge provided. These measures would be in addition to the current management. The post and wire stock proof fencing, combined with planting, would be effective yet allow for movement of wildlife. Research shows otters to be tolerant of human activity and disturbance, which is consistent with the local surveys. Furthermore river otters are principally nocturnal and unlikely to be active when the bridleway is in use. There would not be sufficient disturbance during construction or operation with mitigation in place to cause otters to abandon the River.
- 7.7 Alternative Bridleway 1 would bring none of these advantages and would be significantly worse in ecological terms. In particular, on the north side of the river by the A14 and at the river crossing it would take pedestrians and dogs near to known otter lay-ups where protection would be more difficult.
- 7.8 Both the Scheme bridleway and Alternative Bridleway 1 would result in some disruption at construction stage but this would be kept to a minimum through the implementation of a CEMP. Otter activity is known to fluctuate. The wildlife would be monitored to minimise or avoid disturbance, especially when building the new river crossing.
- 7.9 In terms of the noise environment, Mr Hill agreed that the embankment along the M1 would provide a shield. However, the position is complicated by the effects of wind and in certain conditions the shielding effect would be less. Vegetation would have no material effect in reducing the decibel level of noise, although it offers a perceived benefit as awareness of vehicles and hence the noise nuisance would be less. Where the bridleway runs along the A14 at grade no shadow effects would be provided. In the north east corner at the junction of the M1 and A14, a valley of high level link roads, the acoustic environment would be oppressive. In contrast along the river corridor noise would decrease with distance away from the noise source and the perception of noise would be less. Overall the Scheme bridleway would offer a significantly better amenity. This conclusion is supported by user

groups and the lack of use of the existing bridleway X12 that follows the M1 embankment.

- 7.10 A qualitative appraisal on air quality is that the Alternative Bridleway 1 route is more likely to be exposed to greater levels of air pollution from the M1/A14 because of its proximity, inversion effects and wind direction.
- 7.11 Turning to the issues of flooding and accessibility, there is no dispute that if the River Avon has flooded both the Scheme bridleway and the Alternative bridleway would be inaccessible under the A14 bridge. In developing the PRoW strategy the probability of flooding was well known to consultees who accepted that this would sever the route and prevent access to the riverside route from Swinford in any event. The lack of use of existing X12 indicates that at times of flood the Alternative route, offering a similar form of cul-de-sac, would not be attractive. Ms Allen was in no doubt that the Scheme bridleway was preferable. The proposal is for the Scheme bridleway to have a stone foundation and therefore it would be accessible for wheelchair users ordinarily. An adverse event is highly unlikely because of the 8 m separation between the bridleway and the river. A risk assessment and enquiries made of the County Council confirm this conclusion.
- 7.12 Taking all amenity considerations into account the Scheme bridleway would be a very attractive route along the river. Alternative Bridleway 1 would be characterised by the same unattractiveness and lack of use that characterises the existing PRoW.
- 7.13 The difference in costs is comparatively insignificant in the context of the Scheme as a whole. The cost of the environmental measures (£43,000) is the key component in the cost increase of the Scheme bridleway. It would be money well spent in achieving the best solution to ensure the Scheme meets its objectives.

### ***Station Road junction***

- 7.14 The Grindals already use the Station Road junction to access their fields to the west of the M1 with their combine harvester and seed drill. In Mr Rogers' opinion the exercise of due care in carrying out the manoeuvre would avoid damage to equipment. The Scheme would stop up the northern access to the field to the east of the M1 leading to a relatively modest increase in use of the junction. The HA and the County Council see no problem if the existing arrangements continue, even with the slightly increased frequency of use. Apart from that, the County Council stated that it was willing to facilitate further the use of the junction by the removal of a road sign from the verge. The sign has now been removed. The County Council also indicated that in principle it is willing to carry out improvements by hardening the existing verge or replacing the existing kerb with a dropped kerb. If necessary the junction could be widened subject to consultation with local residents. The access through Station Road will continue to be possible.

7.15 Ultimately the HA could carry out localised improvements to farm tracks over land within the Grindals' ownership that would allow equipment to be taken from Swinford Road, through Old Barn Farm and then along bridleway X13. Such works would be provided as accommodation works and implemented prior to the closure of the PMA. In reality this is not an objection to the Scheme, nor is it a matter that would require any amendments to the Orders<sup>63</sup>.

### **Mr Lloyd's objection**

7.16 Mr Lloyd's objection was very similar in substance to the Grindal's objection to the Scheme Bridleway and is in fact a counter supporting representation in favour of Alternative Bridleway 1. All the same points apply in response to this counter support. In addition, Mr Steggall explained the measures and monitoring to protect wildlife during construction of the Scheme bridleway as part of the CEMP. Mr Rogers assessed the small loss of land as having a slight adverse effect on the farm business. In any event the net impact of the Scheme bridleway on the farm business, including any costs associated with revisions to the Stewardship scheme, is a matter that would be addressed in compensation negotiations. The northern section of the bridleway would have to run along Mr Lloyd's boundary both with the Scheme and the Alternative bridleways.

### **Objection by Messrs A C and R C W Turney (OBJ04)**

#### *The Local Link Road and Public Rights of Way*

7.17 The provision of the proposed LLR is to replace the direct access to the Junction and is fundamental to the Scheme objective of separating local and long distance traffic. The LLR would provide a better access route to the A5. The best and safest location was selected for the LLR to join the A5. The junction meets current standards, including visibility, and has a good accident record. Traffic flows through Catthorpe and Shawell would reduce. In contrast, traffic modelling demonstrates that omission of the link would decrease flows in Swinford but increase flows in the villages of Shawell and Catthorpe<sup>64</sup>. Local traffic would have an increased distance to access the A5. Mr Turney's opinion<sup>65</sup> on use of the LLR was based on anecdotal views,

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<sup>63</sup> The HA's position is more fully set out in HA/46.

<sup>64</sup> See HA/20/03 Table 6.1 Comparison of Forecast Flows with and without the Scheme and with Alternative 7. The forecast flows on the LLR (2 way AADT) are 1,900 (2017), 2,100 (2025) and 2,300 (2032). On Shawell Road, between Swinford and Shawell, traffic in 2017 is forecast to increase by 450% without the LLR and decrease by 86% with the LLR. On Swinford Road between Catthorpe and Junction 19 traffic in 2017 is forecast to increase by 80% without the LLR and decrease by 76% with the LLR.

<sup>65</sup> The reference to Mr Turney, rather than Messrs Turney, reflects the evidence given by Mr Turney at the Inquiry.

not robust survey information. He accepted that if the modelling was correct that would be a powerful reason for the HA to pursue the LLR. The LLR is justified as a core element of the Scheme.

- 7.18 The LLR received strong support from the public in the 2008 consultation and was the most preferred LRN option consulted upon. In response to the objection by Messrs Turney an appraisal has been carried out of Alternative 7 – the same motorway and trunk road network as the Scheme but with omission of the LLR as part of LRN<sup>66</sup>. For most of the environmental issues there would be no significant differences. Highlighting the changes, there would be a reduction in land take, including 1.22 ha of BMV but the overall effect on Tomley Hall Farm would remain *Slight Adverse*. Without a continuous LLR, the diversion of traffic through Shawell village would lead to noise increases of up to 4 dB for properties on the affected roads compared to the Scheme. Some properties on Rugby Road Swinford would have a reduction of 4 dB but in overall terms there are likely to be more properties with increases. In respect of noise Alternative 7 is expected to perform less well. Some loss of recreational opportunity would occur and for local travellers the loss of a direct link to the strategic road network would result in Alternative 7 being significantly worse for travellers.
- 7.19 Alternative 7 would require a more complex structure at the Junction and be more difficult to build. A re-aligned LRN would deepen the excavation under the M6 to A14 link, in turn increasing the risks associated with construction. A temporary road would still have to be constructed adjacent to the M6. The outturn cost would increase by £26.3m and with a BCR of 3.2 Alternative 7 would be poorer value for money than the Scheme.
- 7.20 The inclusion of the proposed mini-roundabout arrangement, to avoid the costs of building the structures shown in Alternative 7, would lead to a substandard and unsafe arrangement. A mini-roundabout is only suitable for 30 mph zones where traffic is greater than 500 vehicles per hour. The requirements of DMRB and the County Council would not be met. The alignment of the Swinford/Catthorpe link is based on the use of an existing underbridge. This constraint means that it would not be possible to omit a mini-roundabout and ease the curve in the link road. As a matter of construction and costs Alternative 7 is unviable.
- 7.21 The LLR would become the responsibility of Leicestershire County Council. The proposed 3 m wide verge on the northern edge reflects DMRB standards and the County Council's own standards, where the minimum width is 2.5 m<sup>67</sup>. The verge has been widened to 3 m to allow use by pedestrians and horse riders. A reduction in the width would raise concerns about road safety and be contrary to the objective of improving connectivity. Moreover, the widened verge would facilitate connections

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<sup>66</sup> HA/20/03

<sup>67</sup> HA/40 provides diagrams of typical cross sections.

between public bridleways X13 and X14 and public footpaths X19, X21a, X21b and X21c. The existing connecting lengths of bridleway and footpath that run along the southern extent of Mr Turney's land would be required to be stopped up as a result of the Scheme. They would be replaced by the widened verge. This would have less impact than an alternative replacement route within the field boundary. The County Council reported no problems with travellers and fly tipping in the immediate vicinity of M1 Junction 19. If unauthorised use occurred in the future that would be for the County Council to address.

- 7.22 The HA has no power to stop up or rationalise existing footpaths and bridleways on Mr Turney's land where that stopping up is not a necessary consequence of the Scheme. It is open to Mr Turney to pursue the matter with the local highway authority through the relevant statutory procedures. In fact, the provision of the LLR and improved connectivity achieved through the Scheme would strengthen Mr Turney's case that footpaths on his land are not necessary.
- 7.23 The Scheme would result in two additional access points to the footpaths across Mr Turney's land. There is a raft of policy promoting the use of PRow. An objection to the LLR providing additional means of access to the PRow network is directly contrary to the Government's objectives for PRow. It should be noted that the Scheme would lead to a reduction of PRow on Mr Turney's land because the footpaths on the southern boundary would be replaced by the verge along the LLR.
- 7.24 For all these reasons the objection in respect of footpath and bridleway rationalisation is not well founded in principle or on the facts. The overall benefits of the LLR and connected PRow network to the public interest substantially outweigh the impact that would occur to the Farm.

#### *Agricultural impacts*

- 7.25 The agricultural impacts on the farm have been properly assessed, resulting in a *Moderate Adverse* impact. The assessment took account of the PRow on the land and the potential effect on agricultural practices. The assessment recognised land take would be from the home farm area. This magnitude of impact was retained even though the design changes made in 2012 would reduce the land take below the typical threshold associated with this scale of impact<sup>68</sup>. It has been agreed that drainage issues would be the subject of detailed design and were no longer a point of objection to the Scheme in principle. Agricultural mitigation measures would include a new replacement farm entrance access point, restoration of the temporarily utilised areas and provision for suitable outlets for existing field drainage

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<sup>68</sup> See HA/10/02 Appendix E Table 8.3 Magnitude of Agricultural Impacts for a description of the type of impact. The criteria and methodology used in the assessment is described in HA/10/01 section 3 and section 8.2 of DD031.

systems. A new drainage scheme collecting all drains from the farm would be undertaken as part of the accommodation works. The impact on the farm with mitigation would result in a *Slight Adverse* effect. The net impact of the proposed LLR on the farm business, and the net impact of the proposed temporary use of land, would be assessed and properly considered in any statutory compensation negotiations. The net impact of the Scheme would not prejudice the continued operation of the farming business.

### *Amenity*

- 7.26 The house at Tomley Hall Farm would be within 100-150 m of the works. A *Minor Adverse* impact from aspects of the main junction improvement and new LLR has been predicted. Mitigation measures would form part of the CEMP. The measures would include a speed restriction on the highways affected by the proposed works, avoiding particularly noisy operations at night wherever possible and keeping works undertaken at night to a minimum. Construction noise and vibration issues would form part of the consultations with the local authority during the construction period. The HA has agreed in principle to the storage of topsoil forming a 2 m bund along the LLR to the north during the construction period to provide noise and visual screening. This arrangement would not require any change to the Scheme Orders. During operation, a 3 dB reduction in noise levels is forecast in 2017 compared with the Do-Minimum (without the Scheme).
- 7.27 Generally, from west to east the LLR would be at grade or on shallow embankment, dropping into cutting as it moved nearer to the Junction. It would be constructed to a width of 6 m, without kerbs, to match the character of the roads in the area as much as possible. The visual impact would be relatively limited<sup>69</sup>. There are no plans to provide mounding or tree planting within the highway verge. A wall would not be required for screening and at 2.7 m high it would be visually intrusive and out of character with the landscape. A boundary hedge would be more appropriate. The detailed boundary treatment works would be agreed with Messrs Turney as part of the accommodation works. In view of these considerations the additional costs associated with drainage and earthworks would not justify locating the LLR in cutting.

### *Stonebank*

- 7.28 The PMA to Stonebank that originally existed to the south had to be stopped up when the A14 was tied into the dumbbell roundabouts. A new permanent PMA was provided from Shawell Road. In the absence of agreement to the terms for such an access, the title for the permanent means of access had to be acquired from Mr Turney by deed poll and

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<sup>69</sup> In HA/15/01 Photomontage V5 looks south from footpath X21c 80 metres from Tomley Hall Farm and Photomontage V6 looks east along the LLR and indicates the width of the verge.

compensation was paid. The HA had agreed in principle to provide Mr Turney with rights over the track at the northern end<sup>70</sup> and to grant him restricted access over the remainder of the track to maintain the hedgerow and culvert. The HA is prepared to grant him unrestricted access along the track if Mr Turney enters into an appropriate agreement to pay a proportionate maintenance consistent with its use. It is incorrect to assert some sort of legacy problem or that the means of access to Stonebank was acquired for temporary purposes only.

- 7.29 The Scheme does not involve any interference with the existing access to Stonebank, a point which Mr Turney accepted. There is no power under the relevant statutory framework for the HA to seek to alter an existing PMA which is not affected by the Scheme proposals. The objection is flawed in principle.

**Mr S E Morris and Mr J R Morris (OBJ05) Mr J R Morris and Mrs P Morris (OBJ08)<sup>71</sup>**

- 7.30 As a result of discussions with Mr and Mrs Morris, the HA has 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. The bridleway would be fenced so that users would be kept to the field boundaries along the route. This modification would overcome their objection.

**Swayfields (Rugby) Limited (OBJ02)**

- 7.31 Hammonds LLP submitted an objection on behalf of Swayfields (Rugby) Ltd on 19 May 2010. Subsequently, the HA received notice from Taylor Wessing that Swayfields (Rugby) Ltd had gone into liquidation. A letter was then received from Taylor Wessing stating they were acting on behalf of Deutsche Postbank, who was identified as the charge holder over the land affected by the Scheme. The letter enclosed a statement of case submitted on behalf of Deutsche Postbank. The HA submits that Deutsche Postbank is not a statutory objector and cannot adopt a statutory objection made by a company no longer trading and in liquidation, merely because they have a mortgagee interest in the property<sup>72</sup>. However, the HA has dealt with the

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<sup>70</sup> See HA/45

<sup>71</sup> HA/25/01 provides the HA's response to objections about Plots 2/6c and 2/6b. The objections have been withdrawn as a result of proposed Modifications to the Orders and therefore I have not summarised the response.

<sup>72</sup> The HA's position as described is set out in its statement of case DD008 at paragraphs 10.2.3-10.2.4. In the information available to me a letter from Squire Sanders dated 3 January 2013 stated that the company Swayfields (Rugby) Ltd is in administration. Subsequently Taylor Wessing handled the objection on behalf of Deutsche Postbank – see letter dated 7 January 2013.

objection.

### *The Roadside Service Area*

- 7.32 On 6 June 2000 outline planning permission was granted for the erection of a fuel filling station, restaurant and lodge with associated lorry coach and car parking (the RSA) on the land identified in the objection (ref 99/00749/OUT). A reserved matters approval was granted on 12 November 2003 (ref 03/01026/REM). A plan which appears to form part of the reserved matters approval (but is not referred to in the conditions) shows the RSA would have direct access and egress only from the A14 eastbound. A secondary point of access to the B5414 Rugby Road is understood to be restricted to servicing, staff and emergency vehicles only. The layout could only be implemented if the Rugby Road roundabout was retained as part of the upgraded junction design.
- 7.33 No RSA has been constructed at this location pursuant to the permissions. It is for Swayfields or Deutsche Postbank to establish that they have a valid planning permission which remains alive. They have failed to do so. They have asserted the necessary conditions precedent were fulfilled to enable the permission to be implemented but there are no documents to support this. There is no public record of the date of commencement of the small amount of construction work on site. The LPA confirmed no inspections of such work took place. Therefore is no evidential basis to support the conclusion that the planning consent remains alive<sup>73</sup>. The following submissions on the objections raised by Swayfields are without prejudice to that position.
- 7.34 In 2004 when the Blue Option was the preferred option for the Junction 19 improvement the HA was prepared in principle to designate the proposed RSA as a motorway service area (MSA) and allow access from the new Junction 19 gyratory. However, no undertaking was provided of the type alleged by Swayfields. Any support was necessarily contingent on the Blue Option proceeding and the developers obtaining the necessary planning permissions. No planning application was made.
- 7.35 In 2007 two options were investigated to provide access to an RSA from the Red Junction. Option 1, using the LRN to travel from a diverge off the M6 to the site, was rejected because of the concern by the highway authority that it would encourage rat running. Option 2 provided a left in/out access onto the A14 eastbound, some 1,000 m east of the Junction. A new single carriageway would be required to link back to the RSA, involving a new River Avon bridge crossing and works in the flood plain. For a number of reasons, including cost, use of third party land and existing service area provision, it was concluded that it was not practicable or appropriate to

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<sup>73</sup> HA/11/01 paragraphs 5.2.6 to 5.2.9 details the investigations made by the HA on the status of the planning permission.

provide for an alternative access for the RSA as part of the scheme for the Red Junction<sup>74</sup>.

- 7.36 In reaching this decision consideration was given to the need for a RSA at M1 Junction 19 on the M6/A14 corridor in the light of advice in DfT Circular 01/2008 (DD389). There is a distance of 33 miles between the two existing service areas at Corley Services on the M6 and Rothwell Lodge Farm at Junction 5 on the A14. Whilst this distance is slightly more than 45 km (28 miles) advised by the Circular the travel time between the two in normal traffic conditions is slightly less than the 30 minute threshold identified in the guidance. Therefore the need for an RSA at Junction 19 was and is not considered to be imperative because current provision was and is generally in line with prevailing policy. There is an extant planning permission for an RSA and truck stop at A14 Junction 1, which if developed would reduce the distance between service areas to 23 miles<sup>75</sup>. Neither the Harborough Core Strategy nor the Saved Policies of the Local Plan identifies a need for an RSA or a motorway service station facility at this location.
- 7.37 The matters raised in the objection on the extent that the Scheme would affect the planning permission for an RSA or prevent its construction principally concern issues of compensation. There was no general undertaking by the HA to provide an access from the Scheme to an RSA, to designate the RSA as an MSA or to pursue the Blue Option.
- 7.38 The ES refers to the *Large Adverse* effect on the development site on the assumption that the planning permission remains valid. Furthermore the ES identifies that the overall impact for traveller care would be worse if in fact the opportunity of a service area was lost as a direct result of the junction improvement. However, taking into account other improvements for travellers associated with the Scheme, including the removal of congestion and improved safety, the overall effect would be beneficial with or without the service area<sup>76</sup>.

#### *Public Consultation/All-movement junction*

- 7.39 The public consultation in 2008 was on five options, including the Scheme and the former preferred route (Blue Junction and Green LRN). The process included two public exhibitions at Swinford and Lilbourne, wide distribution of leaflets and questionnaires, which were also posted on the HA website, advertising and media coverage in all local newspapers and on local radio and TV stations and consultation meetings with 36 different stakeholder bodies. The public exhibitions were attended by 360 people

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<sup>74</sup> HA/03/01 at paragraphs 8.2.7 to 8.2.14 provides the details of the assessment.

<sup>75</sup> HA/37 provides more details on the provision of road service facilities.

<sup>76</sup> See DD030 paragraphs 7.10.9, 7.12.10 and 7.14.33 and DD031 paragraphs 8.6.19-8.6.21.

and 331 responses were received. Of the 263 completed questionnaires, 57% preferred the Scheme and 39% favoured the Blue Junction option. The support of stakeholders was split between the two junction options<sup>77</sup>.

- 7.40 The Scheme gained most support from the public consultation. It had the lowest environmental impact, took least land, had the highest traffic benefits and represented the best value for money. The Minister of State for Transport announced the Scheme as the Preferred Route in February 2009. It is incorrect to assert there was insufficient evidence of public opinion to change the route from the Blue Junction option to the Scheme.
- 7.41 Detailed traffic modelling and forecasting was taken into account in development of the Scheme. Traffic counts showed a very low demand for the movement between the M6 and M1 north, less than 1,000 vehicles per day two way. Even allowing for future housing and employment developments within the study area demand would remain low for the two omitted movements. An integral element of the Scheme is a direct dual carriageway motorway link between the M6 and A14. Almost 30,000 vehicles per day currently make this movement. Appraisal of an all-movement junction demonstrates it is poorer value for money than the Scheme. The Scheme is unlikely to have a significant impact on other routes. The current proposals would not preclude additional links being provided at a future date, if justified by future demand.

#### *Funding/Other Matters*

- 7.42 In the 2011 Autumn Statement the Government announced that funds were to be made available to improve Junction 19 as part of a wider initiative to invest in critical infrastructure projects and improve the UK's transport network. Being part of the Government's Growth Agenda, all necessary funds would be made to carry out the Scheme within a reasonable time scale. The DfT has approved funding for the current development phase. The final approval of the construction phase budget will be sought following the successful completion of the statutory procedures in line with the approach to funding and management recommended in the Nichols Report. Work is scheduled to commence in 2013/14, which is reflected in the HA's Business Plan for 2012/13.
- 7.43 Following the Preferred Route Announcement in February 2009 Swayfields would have been entitled to submit a blight notice regarding their land as a result of the proposed improvement.
- 7.44 The HA has never previously indicated that they consider a lorry park and truck stop to be an essential part of the Scheme. Lay-bys on the A14 are spaced at a maximum of 2.5 km intervals in accordance with DMRB advice. Existing and approved service areas on the M6 and A14 are at appropriate

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<sup>77</sup> A report on the public consultation is DD052

intervals.

- 7.45 The ES Volume 1 identified relevant planning policies, which were further examined within each environmental topic in ES Volume 2 and updated in 2012. The objection is not correct.
- 7.46 The Scheme has been subject to a detailed assessment and is considered to be the optimum solution to meet the current problems at the Junction that are harmful to the public interest. The Scheme cannot be constructed without the acquisition of land, which has been limited to the minimum required for the Scheme and essential mitigation. The junction improvement is of national importance and the Scheme has been prioritised in accordance with Government policy. There is no doubt that there is a compelling case in the public interest for the CPO.

#### **Mr Wilson (NSOBJ16)**

- 7.47 Mr Wilson appeared not to object to the principle of improvement at the Junction but to promote Alternative 1, an all-movement junction. The comparative disbenefits of Alternative 1 over the Scheme are dealt with in full in the appraisal Report of the HA. Mr Wilson confirmed that he did not dispute any of the analysis in the report but that he simply disagreed with the conclusion. That is not a sustainable point of view. Alternative 1 would have huge disbenefits in terms of environmental impact, costs and delay in circumstances where the additional movements provided have been shown not to be necessary or required now or in the future. Moreover, the Scheme enables links to be provided in the future if required. Mr Wilson's objections, which are not supported by any substantive analysis or contradiction of the HA's own evidence, should be rejected. Mr Wilson's figures on traffic flows using the additional links are not accurate and the actual figures contained in Mr Turnbull's figures should be relied on.

#### **Mr Richards (SUP07)**

- 7.48 Mr Richards confirmed his own and the Parish Council's strong support for the Scheme. In answer to specific points, the junction is designed to accommodate forecast traffic growth to 2032. The traffic model took account of general traffic growth and proposed developments in the wider area. The design allows for future improvements if they became necessary. The emergency access provision is solely for use in emergency and for maintenance and it would not meet the design standards for use as interchange links. There is currently a lane drop between the M6 and A14. The structures and layout in the Scheme enable future widening if necessary. Mr Richards confirmed he was not expressing any concern about compliance with statutory procedures. In any event the HA complied in full with all the necessary statutory procedures and has done all that is reasonably required to notify people about the Inquiry. Mr Richards' concern that some people may not have known sufficiently about the inquiry process was not the view of the Parish Council but was his own

opinion based on anecdote. It was not justified in practice.

### **CPRE Warwickshire (NSOBJ22)**

- 7.49 In January 2012 the route of HS2 Phase One, which would connect London to the West Midlands was announced by the Secretary of State for Transport. The route map demonstrates that the proposed line of Phase One would cross the M6 at Junction 4, much further west than the M1 corridor and hence there would be no interaction with the proposed improvement at M1 Junction 19. It is unlikely that Phase Two of HS2, which would extend Phase One by connections to Manchester, Leeds and the North, would be located anywhere close to Junction 19. In view of the Secretary of State's announcement it would be inappropriate to carry out an engineering assessment of CPRE's suggestion or to make adjustments to the Published Scheme.
- 7.50 CPRE's objection, based on aspirations for a different route for HS2 through Junction 19, is fanciful. A contention that the detailed design could accommodate minor changes to reflect CPRE's aspirations has no effect on the principle of the Scheme or the making of the Orders now. A contention that more substantive design changes ought to occur would be contrary to the ES process that has taken place and beyond the scope of the Scheme submitted. The contention that this should be based on a different route for HS2 is without any merit. In conclusion CPRE's position does not justify any delay in making the Orders sought.

### **Alternative Junction Layouts**

- 7.51 The Alternative junction layouts were designed to a sufficient level to enable comparison with the Scheme. Reports were prepared appraising each Alternative in terms of engineering, buildability, environment, traffic and economics<sup>78</sup>. A consideration applicable to all Alternatives is that each proposed scheme would require an application for Development Consent Order, involving additional draft Orders, consultation and a new ES. The process could not take place within the Scheme programme, resulting in delays to the construction and opening year.
- 7.52 Alternatives 8, 9 and 10 would require the Scheme to be constructed. Therefore those who support these proposals are not opposing the principle of the Scheme itself but are seeking to extend it by additional link(s). The Alternative proposals should not be treated as a potential barrier to the Scheme progressing in accordance with the draft Orders.

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<sup>78</sup> Documents HA/20/01, HA/20/02, HA/20/04, HA/20/05, HA//20/06. Document HA/20/07 provides a summary of the junction layouts and movements.

## **Alternative 1**

- 7.53 The forecast traffic flows for the additional movements are generally low both currently and in the future. The additional M6 to M1 north of the Junction (and vice versa) movements attract relatively small volumes of traffic, approximately 2,900 vehicles per day in total in 2032. The additional A14 to M1 south of the Junction (and vice versa) movements attract approximately 4,000 vehicles per day in total in 2032. When compared with the Scheme, Alternative 1 would have a minimal effect on forecast flows on the main strategic routes and the A5 but decreases forecast flows significantly on the A426.
- 7.54 In comparison to the Scheme, Alternative 1 would result in an increase in outturn cost to the works of £89.1m and would increase permanent land take by 16.24 ha. The economic appraisal shows that Alternative 1 would generate higher monetised benefits than the Scheme, particularly in relation to travel and vehicle operating costs. However the BCR of 3.2, compared to 3.6 for the Scheme, represents poorer value for money. Instead of providing an all-movement junction to facilitate M6 to M1 north of the Junction (and vice versa) movements, it is likely that improving the HA's junctions along the A426 route would be a more cost effective option.
- 7.55 Alternative 1 would have a greater structural complexity than the Scheme and its construction would require a considerable amount of material to be imported, estimated to be in excess of one million cubic metres. Its footprint would affect a potentially contaminated landfill site which the Scheme would avoid.
- 7.56 Turning to environmental impacts, there would be little difference in terms of the effect on local or regional air quality during operation and with appropriate mitigation the effect on the water environment would be the same as with the Scheme. Alternative 1 would perform better in respect of noise, resulting in noise reductions for more properties. It would potentially enable an RSA site to be developed.
- 7.57 The larger footprint would have an increased adverse effect on environmental assets. There would be a greater impact on known archaeological sites including the SM motte and bailey castle at Lilbourne, historic buildings and ridge and furrow. There would be a greater loss of habitats and increased impact on protected species. As a four level interchange the junction would be higher and more visually prominent in the landscape and require the removal of a greater extent of existing vegetation. Its effect on the landscape would be *Large Adverse* for year 0 reducing to *Moderate Adverse* in year 15 compared to *Moderate Adverse* and *Slight Adverse* for the Scheme. Alternative 1 would be likely to affect an additional 14.74 ha of agricultural land and would result in greater adverse impacts on agricultural land and farm businesses.
- 7.58 Alternative 1 would require a different LRN compared to the Scheme.

Instead of the new east-west LLR from Rugby Road to the A5 the alternative requires a new link road from Shawell Road, close to Shawell, to Catthorpe Road instead. This means that Shawell Road would become a key east-west road rather than just a minor local road. Because Alternative 1 is not able to provide a direct link between Swinford and Catthorpe it cannot match the level of improvement for vulnerable users provided by the Scheme.

- 7.59 In conclusion, although Alternative 1 would provide benefits long term, the significant increase in costs and lack of demand for the additional movements cannot be justified at this time. On the overall balance of economic, social and environmental aspects of sustainable development this option is not as effective. Therefore the Scheme would provide better value for money than Alternative 1 within the anticipated delivery programme.

### ***Alternative 3***

- 7.60 In comparison to the Scheme, Alternative 3 has a significantly greater structural complexity involving a number of issues associated with constructing tunnels, especially under strategic highways. Construction of the tunnels also would require 12.49 ha more temporary land take, the export of approximately 547,000 m<sup>3</sup> of excavated material and pose greater risks to contaminated land. Alternative 3 would involve a very substantial £198m increase in outturn cost. The BCR of 1.7, compared to 3.6 for the Scheme, would not provide value for money.
- 7.61 In comparison to the Scheme, Alternative 3 would not result in any significant changes for air quality, surface waters or flood risk. There would be a reduction in loss of existing vegetation and the placing of the M6 to A14 link in a tunnel would reduce the visual impact and the overall effect on landscape character. The reduced loss of woodland and scrub habitat would benefit birds and invertebrates. Agricultural land and farm businesses would be less affected.
- 7.62 For local road users direct access to the motorway junction would be maintained but there would be little improvement for local traffic between Catthorpe and Swinford. Alternative 3 would result in benefits for long distance travellers, although free-flow links would serve lower traffic flows. Movements with high traffic flows would still have to negotiate the dumbbell junction, resulting in associated traveller stress and uncertainty. Therefore the Scheme would perform better for the majority of long distance travellers.
- 7.63 On the negative side, with Alternative 3 impacts on some protected species would be worse and the adverse effect on cultural heritage would be slightly greater. Noise levels at properties in Swinford, Catthorpe and Shawell would increase due to the omission of the LLR. The objective of segregating local from strategic traffic would not be achieved. The effect on vulnerable users would be significantly worse because the proposal would

not address issues of severance. The whole of the Stonebank caravan site would be lost, requiring relocation of the residential caravans.

- 7.64 On balance, Alternative 3 has no clear advantage over the Scheme in environmental terms. As it would cost significantly more than the Scheme and have less monetised benefits, Alternative 3 is not one the HA is able to support.

### ***Alternative 8***

- 7.65 Alternative 8 would not result in any significant changes compared with the Scheme for several environmental issues, including air quality and climate change, noise and vibration, landscape, drainage and the water environment. The provision for vulnerable users and local road users would show no change. The additional links would benefit travellers but their provision in a single direction could result in route uncertainty for some drivers.
- 7.66 Increased land take would result in slightly greater impacts on archaeology. The effect on ecology and nature conservation would be slightly worse. Permanent agricultural land take would increase by 7.43 ha and the impact on three farm businesses would increase. Disturbance of the Stonebank borrow pit would slightly increase the risk of encountering contamination. The residential caravan at Stonebank would have to be relocated off the site. On a balance of the environmental advantages and disadvantages, Alternative 8 would have a higher impact than the Scheme.
- 7.67 The two additional links would attract only small volumes of traffic, approximately 2,400 vehicles per day on the A14 to M1 south of the Junction link and 3,200 vehicles per day on the M6 to M1 north of the Junction link in 2032. The added structural complexity and offline replacement of the Shawell Road overbridge would increase construction costs and the construction programme. Compared to the Scheme, Alternative 8 would result in an increase in outturn cost to the scheme of £33.4m. Regarding value for money the higher monetised benefits would be more than outweighed by increased costs. The BCR of 3.5 would represent poorer value for money than the Scheme.
- 7.68 The additional links would not attract a volume of traffic sufficient to justify the additional cost, environmental impacts and increased land take arising from Alternative 8. The scheme is less consistent with the objectives of local and national policy, particularly the Framework objectives relating to minimising impacts on biodiversity and promoting the rural economy. The additional links should be viewed as a future modification to the Scheme that could be constructed if there is sufficient demand.

### ***Alternative 9***

- 7.69 Alternative 9 would increase outturn costs by £8.7m and increase land take

by 5.04 ha. The additional A14 westbound to M1 southbound link would be constructed at grade and requires no additional structures.

- 7.70 Alternative 9 would not result in any significant changes compared with the Scheme for several environmental issues, including air quality and climate change, landscape, cultural heritage, materials, noise and vibration, road drainage and the water environment. The provision for vulnerable users would show no change. Travellers would benefit but provision of a link in a single direction could result in route uncertainty for some drivers. The effect on ecology and nature conservation would be slightly worse. Greater adverse effects on agricultural land and farm businesses would result from the higher land take and increased impact on Manor Farm. The Scheme performs better in environmental terms.
- 7.71 The additional link would attract a relatively small volume of traffic both currently and in the future (approximately 2,400 vehicles per day in 2032). A significant proportion of this traffic would be made up of short distance local traffic that could use alternative routes (about 30%) and future traffic generated by potential developments (about 30%). There would be a minimal effect on the strategic road network, the A5 and A426 and a minimal effect on flows in the villages of Shawell, Swinford and Catthorpe. The additional link is not justified on the traffic flow data. Alternative 9 has a BCR of 3.7 compared to 3.6 for the Scheme. Therefore the Scheme achieves similar value for money but at a cheaper cost.
- 7.72 The additional link would not attract a volume of traffic sufficient to justify the increased land take, environmental impacts and cost. The option is less effective when considered against planning policy objectives. Alternative 9 should be viewed as a future modification to the Scheme that could be constructed if there is sufficient demand.

### ***Alternative 10***

- 7.73 Alternative 10 would require an additional 17.7 ha of land take and be constructed at a higher level because the proposed M1 northbound to A14 eastbound link would pass over the highest link proposed by the Scheme. It has greater structural complexity because of the number of issues associated with building within a floodplain. A significant economic impact would result from the import of 448,000 m<sup>3</sup> of earth, compared to the surplus of 50,000 m<sup>3</sup> with the Scheme. The total increase in outturn cost amounts to £81.1m.
- 7.74 In environmental terms Alternative 10 would lead to a greater loss of habitats and increased impact on some species. The greater scale and loss of vegetation would make the junction more visually prominent and affect the amenity of some public rights of way. In particular the high level link would break the skyline at Catthorpe Hill. Overall there would be a significantly worse effect for ecology and nature conservation and for landscape. The adverse effect on cultural assets would increase, in part

because of the impact on the setting of the Lilbourne motte and bailey castle and the greater impact on known archaeological sites. The increase in permanent agricultural land take would affect an additional 10.4 ha of BMV land. Five farm businesses and five farm holdings would be affected and overall there would be a greater adverse impact on agricultural land and farm businesses. The impact on local and regional air quality, noise and the water environment shows no significant difference. Overall Alternative 10 would have a greater adverse environmental impact than the Scheme and is less effective in delivering planning policy objectives.

- 7.75 The additional links would result in minor benefits for short to medium distance travellers and benefit long distance travellers. Nevertheless, even allowing for future housing and employment developments within the study area, demand would remain low – only 4,000 vehicles per day in total in 2032 on the additional A14 to M1 south of the Junction (and vice versa) links. Alternative 10 would have a minimal effect on the strategic road network, a minimal effect on the A5 and A426 and a minimal effect on the forecast flows in Swinford, Catthorpe and Shawell.
- 7.76 The BCR is 2.9 because the higher monetised benefits are more than outweighed by the increase in costs. Overall Alternative 10 represents poorer value for money than the Scheme and its construction cannot be justified at present. The Scheme would not preclude the additional links in the future.

### ***Future Option 1***

- 7.77 In engineering terms Future Option 1 is the same proposal as Alternative 10 but with the additional two free-flow links constructed at a future date. These additions would require the construction of four new structures, modifications to two existing structures and the re-alignment of free-flow links, including the two links constructed as part of the Scheme. The new structures over the River Avon would involve complex construction issues. A large amount of material would have to be imported to form embankments.
- 7.78 The additional links would provide some benefit for long distance travellers. By comparison with the Scheme, there would be little difference in terms of the effect on local and regional air quality during operation. The relatively small amount of traffic using the links would not lead to change in the noise impact. With appropriate mitigation the effect on the water environment would be the same.
- 7.79 In all other aspects Future Option 1 would create additional environmental impacts if added to the Scheme. The permanent land take would increase by 17.75 ha, increasing the adverse effects on environmental assets such as landscape, cultural heritage, agriculture and biodiversity.
- 7.80 Future Option 1 would cost £163.0m at current day prices, excluding

programme risk and inflation. The forecast traffic demand does not warrant the inclusion of the additional links into the Scheme at the time of construction, particularly having regard to the environmental impact. An economic appraisal would be undertaken at the appropriate time if circumstances change such that the additional links should be provided.

### **Additional matters raised through written representations**

#### **Morgan Est (NSOBJ15), Alan Wilson (NSOBJ16), Metso UK (NSOBJ17), DK Packaging and Casemaking (NSOBJ18), Mr P Baildon (NSOBJ19) and ECL Contracts Ltd (NSOBJ20)**

- 7.81 The objectors refer to traffic from Rugby/M6 Junction 1 to the M1 using the A426 instead of Junction 19 and the congestion on the A426. In response, at the present time it is possible to travel between the M6 and M1 north of the junction (and vice versa). Recent traffic counts have shown that there is currently very little demand for these movements (less than 500 vehicles per day each way). Even allowing for future developments, demand would remain very low for the two omitted movements. This is because there are alternative more direct routes which exist for M6-M1 traffic, provided by the A426 and the M69 (which is the current signed route from Rugby to the M1 North) and further afield by the M42 and A42 route. It should also be noted that motorists heading south on the M6 who wish to travel north on the M1 are currently signed at Lutterworth at M6 Junction 1 and to Leicester/Coventry (M1 North) at M6 Junction 2.
- 7.82 The fact that the Scheme does not cater for the M6 and M1 north of the junction (and vice versa) movements is unlikely to have a significant impact on these alternative routes, including the A426. With the Scheme in place, flows are forecast to reduce slightly on the A426 north of the A5/A426 Gibbet Hill roundabout and increase slightly to the south. This is because without the scheme in place congestion would increase at M1 Junction 19 and traffic would divert onto other routes such as the A426. Once the Scheme is implemented, congestion would decrease and this traffic would switch back onto their original routes.
- 7.83 **Convertteam UK Ltd (NSOBJ10).** The HA have discussed abnormal loads with local police forces and local authorities surrounding Junction 19 and they consider that the proposals are adequate to accommodate abnormal loads passing through the area by using Junction 18. Furthermore the existing inadequate structure which carries the M6 southbound over the A14/M6 westbound link is unable to support abnormal load movements. The structure would be replaced as part of the Scheme. This means that abnormal loads currently having to travel to Junction 20 in order to head south on the M1 would no longer have to do so, but would be able to travel directly south through the improved junction on the free-flow link. Warwickshire Police advised that abnormal loads wishing to travel north from Rugby can use the alternative routes of A426-M6-M69-M1 or A426-A4303-M1. The Police are of the opinion that the removal of the M1 south to M1 north link would have minimal impact on abnormal load

movements<sup>79</sup>.

- 7.84 **Dr Haller (NSOBJ03) and Mr Deacon (NSOBJ26)**. The lack of the provision for the A14 to M1 south of the Junction and vice versa raised concerns that traffic would increase through West Haddon village and that congestion would move onto the A5, M6 Junction 1 and M1 Junction 20.
- 7.85 In response, the current arrangement at Junction 19 does not allow travel between the A14 and the M1 south. The recent traffic counts and traffic modelling have confirmed that there is currently very low demand for these movements (less than 500 vehicles per day). Even allowing for future developments, demand would remain low.
- 7.86 Traffic wishing to make these movements is currently signed to use the M6 to Junction 1 and then U turn at that Junction. There is also evidence that some traffic U turns at M1 Junction 20, which is a similar distance. Analysis of journey times has indicated that longer distance traffic wishing to make this movement would be more likely to use shorter routes such as the A43 and the A45 between the M1 south of Junction 17 and the A14.
- 7.87 The Scheme would maintain the existing situation with motorists travelling via M6 Junction 1 or M1 Junction 20. There is forecast to be only a slight increase in traffic flows at these junctions. As a result of the new direct free-flow link between the A14 and M6 reductions in journey times of 4 to 7 minutes are forecast for the A14 to M1 south of the Junction movement and vice versa journeys via the official signed M6 Junction 1 route.
- 7.88 With the Scheme in place, flows are not forecast to significantly change on the A428 east of Junction 18 towards West Haddon. Furthermore, the A428 has by-passes of both Crick and West Haddon and there is a 7.5 tonne weight limit on the West Haddon to Cold Ashby road. Taking all factors into account, an increase in traffic through West Haddon village would be unlikely.
- 7.89 With regard to changes in traffic on the A5 with the Scheme in place, flows are forecast to increase slightly on the section south of the A5/A426 Gibbet Hill roundabout. Flows at M6 Junction 1 and M1 Junction 20 are forecast to only increase by a maximum of 9% and 8% respectively even in 2032.
- 7.90 Mr Deacon also expressed disappointment about not being included in the distribution of the NTS. In response, the HA complied with the relevant publicity requirements after the publication of the draft orders in 2010. Publicity for the restart of the statutory process included distribution of copies of the NTS and a summary of changes to residents of the affected villages as well as those who had previously made objection. Due to

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<sup>79</sup> See HA/36 for additional information on abnormal loads.

inevitable practical, logistical and financial constraints, it is not possible to provide every individual with copies of documentation. The publicity measures taken ensured that people were made aware of the Scheme and the Inquiry and had the opportunity to make representations, as Mr Deacon has chosen to do<sup>80</sup>.

- 7.91 **Too Zarr Ltd (NSOBJ28)**. An all-movement junction could not be justified because of the traffic forecasts, land take, environmental disbenefit and public preference. The proposed Scheme therefore would not provide all movements and would not provide access to the possible service area site from the strategic road network.
- 7.92 **Mr Cox (REP01)**. The Scheme does not include provision for the M6 and M1 north of the junction (and vice versa) movements. The benefits of providing such movements are likely to be small and hence value for money is likely to be less than for the Scheme. As such the increased cost of providing for such movements cannot be justified<sup>81</sup>. The design of the Junction 19 improvement is based on Design Year flows for 2032. Such flows have been derived using the relevant guidance. They include the application of the relevant traffic growth factors as well as future developments. Therefore, although the current traffic flows are lower than those surveyed in 2007, the design of the scheme is based on traffic flows some 20 years into the future.
- 7.93 **Mr Haynes (REP02) and Mr Horner (REP05)**. The proposed temporary diversions and construction traffic routes have not been finalised but it is not planned that the A5199 through Welford would be used for diversion routes or for routing construction traffic. Procedures would be implemented in the construction of the Scheme to require contractors and the workforce to use designated routes to and from the site which will avoid Welford and other villages in the vicinity of the Scheme. Provision has been made for temporary haul routes within the site. The location of the temporary site compound and material storage areas have been selected so that they can easily be accessed directly from the trunk and motorway network without the need to use the LRN. Mr Horner's request for temporary weight restrictions on the A5199 would be a matter for Northamptonshire County Council.
- 7.94 **Mr Robbins (REP09)**. The current construction programme retains access to the existing east dumbbell roundabout from the LRN for the first 19 months of the Works. After that period access to the dumbbell roundabouts would be severed permanently from Rugby Road and Swinford Road. Diversion routes would be put in place to reconnect temporarily the villages and allow access to the major route network whilst works on the LRN are on-going. As part of the traffic management proposals the A14 would

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<sup>80</sup> Additional details of the publicity are set out in HA/26/01 – the Response by the HA.

<sup>81</sup> This is dealt with more fully in paragraphs 7.81 and 7.82 above.

remain open throughout the works with only occasional night-time closures planned. During the planned closures, diversions via the Trunk Road network would be used. A 7.5 tonne weight limit already precludes HGVs using the section of Rugby Road between the east dumbbell roundabout and Swinford. Information signs would be placed on the temporary traffic routes to prevent inappropriate use of the LRN. It is not envisaged that keeping the connectivity of Rugby Road to the Junction through the first 19 months of the programme would result in travellers using the roads in Swinford or other villages in the vicinity as rat runs. To ensure only authorised use of the emergency accesses, a locked barrier would be installed at each access point onto the highway.

- 7.95 Mr Robbins also was concerned about light pollution. In general terms the provision of highway lighting would have little additional effect on the landscape as the Junction is already lit. The use of new flat glass luminaires would provide the optimum cut-off of the light source, minimising light spillage to the surrounding area. All lighting would be high pressure sodium which gives true colour rendering. The exception to this general principle is along the M6-A14 link where lighting would need to be extended to a point just west of the River Avon Bridge.

## 8 INSPECTOR'S CONCLUSIONS

### Introduction

- 8.1 I have reached the following conclusions having fully considered the submissions and representations reported above. The reference to earlier paragraphs, where appropriate, is given in square brackets [].
- 8.2 I deal first with the need for an improvement to Junction 19 and the merits of the proposed Scheme in respect of the design, the junction layout and LRN, the environmental impact, policy requirements and the programme. Alternative junction layouts are considered. I then address specific objections relating to the lands affected by the Scheme, which includes Alternative Bridleway 1. The final sections conclude on the proposed Modifications and the Orders. The conclusions are then drawn together into recommendations on each of the Orders.
- 8.3 In arriving at my conclusions and recommendations, I have taken full account of the ES and all the other environmental information, including comments and representations made by statutory consultees and members of the public and the evidence given at the Inquiry. I also have had due regard to the public sector equality duty under the Equality Act 2010.
- 8.4 There are two preliminary matters. The first is a legal point in relation to the objection by Swayfields (Rugby) Ltd (OBJ02). Then I set out what, in my view, are the main considerations on which the decision on each Order should be based, with particular reference to the statutory tests.

### Legal matter

- 8.5 A point was raised by the HA about the status of the objection by Swayfields (Rugby) Ltd. Whether or not Deutsche Postbank is able to adopt the statutory objection is a matter of law and for the Secretaries of State to decide but I offer the following observations. [5.34, 7.31]
- 8.6 The information in the statement of case submitted on behalf of Deutsche Postbank is that the company remains solvent. The HA reported that the company has gone into liquidation, although the letter from the solicitors advised the company is in administration. Therefore on the available written evidence the current position of Swayfields (Rugby) Ltd as a company is not clear. Neither party has addressed whether the meaning of 'a statutory objector', with reference to the Highways Act 1980 as amended, or the meaning of 'a qualifying person' under the Acquisition of Land Act 1981 as amended, continues to apply to Swayfields (Rugby) Ltd. It seems to me that Deutsche Postbank does not benefit from such status. [5.34, 7.31]

- 8.7 The statement of case submitted on behalf of Deutsche Postbank in January 2013 essentially repeats the matters identified in the original objection made by Swayfields (Rugby) Ltd in May 2010. As a matter of fact the objection made by Swayfields (Rugby) Ltd has not been withdrawn. Grounds for disregarding the objection have not been demonstrated. On the basis that it is a remaining objection and/or the company continues to be an owner of the land, the objection remains to be dealt with, notwithstanding the recent involvement of Deutsche Postbank.

### **The tests for making the Orders**

- 8.8 In my view the main considerations are derived from the statutory tests set out in the relevant section(s) of the 1980 Act and, in the case of the CPO, the guidance in ODPM Circular 06/2004 Compulsory Purchase and The Crichel Down Rules.
- 8.9 The Trunk Road (Line) Order. Consideration shall be given to the requirements of local and national planning, including the requirements of agriculture, in deciding whether the Order is expedient for the purpose of extending, improving or reorganising the national system of routes for through traffic in England and Wales (section 10(2)).
- 8.10 The Connecting Roads Schemes. Before making the scheme, due consideration shall be given to the requirements of local and national planning, including the requirements of agriculture (section 16(8)).
- 8.11 The Side Roads Order. Provision shall be made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs affected by the Scheme. Before any highway is stopped up another reasonably convenient route shall be available or will be provided. No Order for the stopping up of a PMA shall be made unless either no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided (sections 18 and 125).
- 8.12 Compulsory Purchase Order. A CPO should only be made where there is a compelling case in the public interest and the purposes for making the Order sufficiently justify the interference with the human rights of those with an interest in the land affected. The Human Rights Act 1998 reinforces that basic requirement. The acquiring authority shall have a clear idea of how it intends to use the land it seeks to acquire, show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale, the acquisition would not be premature and that the scheme is unlikely to be blocked by any impediment to its implementation.

### **Need for improvement of Junction 19**

- 8.13 Junction 19 of the M1 is a major interchange on the national highway network. Its importance is further emphasised by the role of the M6/A14

corridor as part of the TEN. For a junction of such importance traffic movement is constrained by an insufficient number of free-flow links. The dumbbell roundabout arrangement has inadequate capacity to cope with the high volume of traffic and the layout causes particular difficulties to HGVs. The forecast growth of traffic would exacerbate existing delays and safety problems at the Junction for strategic traffic. Traffic would be increasingly likely to divert to alternative routes. At a local scale, accessibility and safety is hampered by the junction layout, the mix of local and long distance traffic and the severance of public rights of way. [2.2, 3.4-3.8, 3.46]

- 8.14 As a matter of national transport policy the need to improve Junction 19 to address congestion, delays and safety issues dates back to 1998. Subsequent studies and programmes re-affirmed the necessity of providing additional capacity at this key interchange on the strategic highway network. Investment in the M1 Junction 19 improvement is now a priority as part of the National Infrastructure Plan and the Government's Growth Agenda. Improving the conditions in which people, live, work, travel and take leisure would be in pursuit of sustainable development, consistent with an aim of national planning policy. [3.1-3.3, 3.76]
- 8.15 The HA, whilst fully aware of the likely revocation of Regional Strategies, assessed the Scheme against the development plan policies in place at the time of the Inquiry. In my view, regional planning policy support for a junction improvement is now being taken forward at county level through local transport plans. Leicestershire, Warwickshire and Northamptonshire local transport plans identify the need for a scheme to improve journey time reliability and connectivity to the West Midlands and East Coast ports. Planned business expansion and housing growth in the surrounding district provide additional reasons for investment at the Junction. [3.62, 3.64-3.67]
- 8.16 In the largely rural district of Harborough the local highway network has an important effect on peoples' daily lives. The mix of local and long distance traffic, the hostile environment and the severance of public rights of way reduce accessibility and discourage undertaking short journeys by foot and cycle. Improvement of the Junction would contribute to the delivery of outcomes identified in the Harborough CS and the LLTP with a view to reducing reliance on the private car for short journeys and making local journeys easier. [3.5, 3.6, 3.65, 3.105]
- 8.17 Representations confirm a general consensus and strong support for a scheme to relieve the identified problems. None of the objections relate to the principle of improvement. There is a compelling case for a scheme to be brought forward without delay to improve an integral element of the national system of routes for through traffic and to assist local travel. [4.1-4.3, 4.7, 4.11-4.13, 5.1, 5.16, 5.19, 5.30, 5.45]

## **The Scheme**

- 8.18 The Scheme is the result of research, design development, consultation and

review over a period of some thirteen years. The history of its development has shown that the original all-movement junction was rejected for economic and environmental reasons in favour of a junction layout that did not provide for lesser flows. The Scheme would allow free-flow traffic to pass between the M6 and A14 and provide free-flow links for the major turning movements at Junction 19. [3.9-3.13, 3.18, 3.46-3.49, 3.111-3.113]

- 8.19 The future performance of the improved Junction in satisfactorily meeting demand requires the construction of an engineered route to a high standard. The evidence demonstrates that the proposed highway layout is efficient and has been designed to current DMRB standards. Any departures from those standards are with good justification and would not compromise safety. The associated engineering elements, including structures, geotechnical design and drainage, have received careful and detailed consideration. They have been shown to facilitate the new layouts in an efficient manner and to meet required standards. The design has been sufficiently detailed to enable an accurate assessment of the amount and purpose of the proposed land take. In engineering terms the design solution has not been questioned. The proposed Junction arrangement would provide free-flow links with a high standard of safety. [3.12, 3.20-3.28, 3.36, 3.37, 3.39, 3.97, 3.125, 3.127]

### ***Junction layout***

- 8.20 The proposed junction layout would not provide for all turning movements, which has led to a number of written objections from businesses and from individuals. Mr Wilson gave evidence at the Inquiry. Objections have centred on the loss of the ability to travel from the M6 southbound to the M1 northbound and vice versa and/or the failure to include provision to travel from the A14 westbound to the M1 southbound and vice versa. The main reasons behind the objections are short sightedness, repeating the mistakes of the past and concern over the adequacy of the Junction to support proposed major developments. [5.30-5.33, 5.38, 5.46, 5.48, 5.49, 5.55, 5.57, 5.59, 5.61]
- 8.21 Looking at the current situation, traffic surveys and counts have confirmed comparatively low demand to travel from the M6 southbound to the M1 northbound and vice versa (in total less than 1,000 vehicles per day) and from the A14 westbound to the M1 southbound and vice versa (in total less than 1,000 vehicles per day). This is because there are alternative more direct routes for these journeys. [3.46-3.48, 7.81, 7.85, 7.86]
- 8.22 In relation to future conditions and demand the traffic modelling process to inform the design has been undertaken in accordance with DfT and HA guidance. The design of the Junction 19 improvement is based on Design Year flows for 2032. Consideration of future housing, business and employment growth in the wider area has not been confined to committed schemes with planning permission but has taken into account all future development proposals. Major developments cited by objectors, including the expansion of DIRFT, have been included. This approach increases the

- confidence that the traffic forecasts are robust. No technical or substantiated evidence was produced to challenge the traffic predictions or to justify a different conclusion. [3.50, 3.51, 5.30, 5.55, 5.59, 5.60, 7.47, 7.92]
- 8.23 The forecast future traffic flows for 2032 remain low for the M6 south to M1 north of the Junction and vice versa (2,900 vehicles per day in total) and the A14 west to M1 south of the Junction and vice versa (4,000 vehicles per day in total). The flows are very low when compared to the volume of traffic predicted on the major links. [3.52, 7.53]
- 8.24 On the basis of the forecast flows the improved Junction would adequately and safely accommodate predicted traffic. The BCR of 3.6 shows that the Scheme represents good value for money. The scheme objectives to relieve congestion and improve journey time reliability would be met. The provision of a more reliable transport system for people and goods would achieve a goal identified in the LLTP. [3.15, 3.17, 3.19, 3.53, 3.54, 3.58, 3.65]
- 8.25 The HA has demonstrated that with the Scheme in place there would be very few significant changes in traffic flows on the strategic road network overall. Benefits would be felt on the surrounding local road network. The lesser flows not provided for at the improved Junction would be accommodated on the existing alternative routes. There are unlikely to be significant adverse effects on those routes or environmental harm to local villages, such as West Haddon. There is no evidence to the contrary. [3.55, 3.56, 7.41, 7.81, 7.82, 7.85-7.89]
- 8.26 The support of Leicestershire, Warwickshire and Northamptonshire County Councils and Rugby Borough Council for implementation of the Scheme without delay adds substantial weight to the conclusion that the scope of the Junction improvement is appropriate to address current problems and future demands. [4.7, 5.66, 5.67]
- 8.27 My conclusion is 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. 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 Scheme. Therefore all the objections to the Scheme on this matter are not sustained.

### ***The Local Link Road***

- 8.28 The main focus of the objection by Messrs Turney was the LLR, which was reinforced by Mr Turney's evidence at the Inquiry. M G and S M Grindal and J M Grindal indicated their support for Alternative 7 (the Scheme without the LLR). [5.13, 5.19]
- 8.29 The proposals for local vehicle travellers and vulnerable users are an important part of the Scheme, based on the Red Junction Orange LRN

- preferred by the public and chosen as the Preferred Option in 2009. The LLR is an integral element of these proposals. [3.10, 3.111, 7.18]
- 8.30 A key objective for the junction improvement is to separate local traffic from long distance traffic. The Scheme would not provide for local traffic to access the strategic network at Junction 19. The purpose of the LLR is to replace that direct link. The main advantage of the LLR is that it would allow local traffic seeking access to the A5 and the wider network to avoid passing through Catthorpe and Shawell villages. The junction with the A5 Trunk Road meets current standards, has acceptable visibility and a good accident record. Taking account of the characteristics of the village streets and the existing rural roads between the villages and the A5, the proposed LLR would provide a better and safer route. It has the full support of Leicestershire County Council. [3.15, 3.25, 3.26, 4.9, 4.12, 5.20, 5.64, 5.65, 6.6, 7.17, 7.58]
- 8.31 Mr Turney explained why he doubted that the LLR would be used as the route to and from the A5. The forecast levels of traffic on the LLR derived from the traffic model indicate otherwise. The forecast flows, which take account of traffic surveys of existing travel behaviour, are to be preferred. A clear reduction in traffic through Catthorpe and Shawell is demonstrated as traffic diverts onto the LLR. [3.56, 5.20, 7.17]
- 8.32 The redistribution of local traffic through use of the LLR has been identified as a reason for reduced noise levels in the village of Shawell during the operation of the Scheme. In turn, the village Conservation Area would be enhanced. These environmental benefits of the LLR are additional positive factors, even when the mixed effects for Swinford are taken into account. [3.95, 3.100, 7.18]
- 8.33 The eastern end of the LLR is part of the proposed direct route between Swinford to Catthorpe. The suggestion of simply deleting the western section of the LLR and inserting a mini-roundabout would not be an acceptable solution. Safety would be seriously compromised by such a sub-standard layout. The proposal in Alternative 7 would achieve the required standards but by necessity would require a more complex engineering solution, leading to an unacceptable increase in outturn costs of some £26.7 million. [5.23, 7.19, 7.20]
- 8.34 A further positive contribution of the LLR is the improvement of the links between PRow, consistent with the policy and scheme objective to improve conditions for cyclists, pedestrians and horse riders. Omission of the LLR would result in the loss of the connection between Swinford Road/Rugby Road and Bridleway X14 (to the west of Tomley Hall Farm) and a continuous link between all four quadrants of the Junction would not be achieved. [3.15, 3.26, 3.29, 7.18, 7.21]
- 8.35 For all these reasons the LLR is an essential element of the Scheme. 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. Alternative 7 offers no material advantage over the Scheme and therefore should not be investigated further. [5.22]

### ***Environmental Impact***

- 8.36 The project involves major construction work and development. The systematic and objective account of the likely effects, with reference to extensive survey work and the identification of the proposed mitigation have ensured the implications for the environment are understood. [3.87, 3.93, 3.115]
- 8.37 The Preferred Route was supported by a CEA which showed that the proposal (the Red Junction and the Orange LRN) had the least adverse environmental impact of the options considered. An EIA was carried out in accordance with the legal requirements and using the methodology set out in the DMRB. The findings were reported in the ES and NTS that were published in February 2010. The review in 2012 confirmed the conclusions remain valid. An important factor has been the consultation and involvement of stakeholders throughout the process. There are no outstanding objections from statutory environmental bodies, local authorities, parish councils and meetings and non-statutory organisations. In my opinion this lack of objection to and support for the Scheme increases the weight and confidence that may be attached to the assessment of the effects and the overall conclusion that the Scheme is very much the best option. [3.92, 3.96, 3.99, 3.105, 3.111, 3.112, 3.115, 4.9, 6.2]
- 8.38 The ES confirms that the Scheme would have adverse effects on the environment, even though the design changes have reduced to some degree the scale and extent of development and the potential impact on its surroundings. Mitigation measures are integral to the proposals. During the construction phase, mitigation would be of crucial importance to minimising harm from the works by reason of noise, water and air pollution, in order to protect habitats, species, cultural assets and private assets and to safeguard soil resources. The CEMP has been shown to have a very important role in managing the process. [3.43, 3.79, 3.84, 3.90, 3.91, 3.94, 3.98, 3.101, 3.103, 3.125-3.127]
- 8.39 For the longer term, land has been identified in the draft CPO to enable mounding and planting, habitat creation and the provision of drainage ponds. These are essential mitigation measures to conserve the landscape, enhance biodiversity and improve water quality. [3.79, 3.88, 3.89, 3.97, 3.99]
- 8.40 In summary the overall effects are:
- Adverse:* climate change, materials [3.104, 3.110]
- Slight Adverse:* Landscape, farm businesses, cultural heritage [3.81, 3.85,

3.96]

*Not significant/neutral:* air quality/ local travellers, water environment [3.104, 3.106, 3.99]

*Slight beneficial:* ecology and nature conservation [3.92]

*Moderate Beneficial:* noise and vibration [3.102]

*Beneficial:* vulnerable users [3.105]

*Large beneficial:* long distance travellers. [3.107]

- 8.41 Having carefully considered the evidence I have no reason to disagree with these assessments. As a result of detailed design work there is the possibility that the materials imbalance would be reduced to overcome the adverse effect. I conclude that the substantial gain to long distance travellers, and the associated economic gains, is able to be achieved with benefits to the environment and that any adverse effects would be minimised. A key objective is fulfilled. [3.15, 3.39]

### **Policy requirements**

- 8.42 I have concluded in paragraphs 8.14-8.17 how an improvement to Junction 19 would fulfil national, regional, county and local policy objectives. More specifically, the Scheme complies with national and regional planning policy objectives by improving the transport infrastructure in order to tackle existing serious congestion, delays and safety concerns at Junction 19. The demonstrated improvements to journey time reliability, accessibility and safety is in compliance with Policy T9 of the West Midlands RS, although the imminent revocation of the RS reduces the weight of this element of the policy framework. Outcomes identified by the LLTP, which inform the Harborough CS, will be achieved. [3.1-3.3, 3.62, 3.64, 3.65]
- 8.43 At a local level the existing conflict between strategic and local traffic at the dumbbell roundabout would be removed and be replaced by a functional LRN. The inclusion of better and safer routes would encourage daily journeys and access to the countryside by foot and cycle in accordance with Policy CS5 (criterion d) of the Harborough CS and the LLTP. [3.65]
- 8.44 Representations have indicated how businesses in the area rely on the efficient operation of the highway network. Major employment and housing expansion is planned around Rugby, in Daventry and Harborough Districts. The improvement to the operation of the Junction would support the Framework's objective of a strong, competitive economy, not least because of its key position on the TEN and national major route network. [3.65, 3.67, 4.1, 5.48, 5.49]

- 8.45 In respect of the rural economy, the rural area surrounding the Junction supports a number of owner-occupied farm holdings. The farm shop and tearoom at Manor Farm makes a modest but valuable contribution to the rural economy directly through employment provision and because it serves as an outlet for local producers. The disruption to farm holdings and businesses during construction period would be contained by a range of measures and best practice. The loss of BMV is unavoidable because of the location of the Junction in relation to the high quality land resource. A positive factor is that the efficient footprint of the development restricts the amount of BMV taken, so that the loss is of low significance on a national and local scale. In the absence of evidence to the contrary, the probability is that no farm business would fail or undergo any significant change to the range of existing enterprises as a result of the Scheme. The loss of direct access to the major highways would cause some inconvenience for some local businesses, such as Westfield Farm near Swinford, but the effect on journey times would not significantly change. No claims have been made that the Scheme would stimulate the rural economy but conversely any adverse effects should be short term. I conclude there is no significant policy conflict. [3.68, 3.82-3.86, 3.106, 5.2, 5.54]
- 8.46 The contribution of the Scheme to social aspects of sustainable development is apparent in how it seeks to overcome the badly fragmented, hostile and unsafe provision for vulnerable users. The opportunity would be taken to strengthen links between Catthorpe and Swinford and to reduce severance of PRoW. The improved access between the villages and to the countryside is a means of encouraging healthy life styles, consistent with Policy CS8 of the Harborough CS and the objectives of the Framework. Moreover, the HA has confirmed that the detailed design of the new Swinford to Catthorpe footway would facilitate access by all, including those with disabilities. Similarly, improved access to the countryside for all vulnerable users would be secured by the use of hardened surfaces, suitable gates and other measures on bridleways and footpaths. Minimising disadvantage by reason of age and disability and encouragement of participation in recreation are important and positive aspects of the Scheme. The substantial benefits for long distance travellers centre on journey reliability and the provision of a safer interchange. [3.6, 3.25-3.30, 3.69, 3.105-3.107, 4.7-4.10]
- 8.47 No homes would be lost and the relocation of the residential caravan within the retained land at Stonebank has been agreed with the owner. In the short term during the construction period, there may be a reduction in the quality of life and interference with home life for people living nearest the Junction. Reliance has to be placed on the CEMP to minimise the harm. Assessment of noise and air quality and the cumulative effects do not indicate any unacceptable effects. [3.41, 3.43, 3.101, 3.103, 3.114]
- 8.48 Turning to the environmental dimension, the purpose and form of the development are such that appropriately emphasis has been placed on safeguarding environmental assets and resources, minimising pollution and securing enhancement where possible. This approach is in accordance with the Framework. The mitigation strategies in respect of landscape, cultural

heritage, drainage, flooding, habitats and species would be consistent with the objectives in Policies CS8, CS10 and CS11 of the Harborough CS. The net benefit for the noise environment and the neutral effects on air quality are also positive factors. Meeting the challenge of climate change by reducing carbon emissions is not achievable and carbon emissions are forecast to increase slightly. However, carbon emissions would also increase without the Scheme. An advantage of the Scheme is that it would resolve existing pressing capacity and safety problems. In my view the policy conflict is outweighed by the substantial benefits of the Scheme. [3.70-3.75, 3.104]

- 8.49 I conclude that the Scheme successfully responds to economic, social and environmental aspects of sustainable development, as identified by the Framework. The Scheme is able to be supported as achieving a sustainable form of development. The soundness of this conclusion is confirmed by the appraisals of the Alternative junction layouts.

### **Alternative Junction Layouts**

- 8.50 The layouts with additional links are distinct from Alternative 7 which I have already addressed in response to the objection by Messrs Turney to the LLR. In general, the promoters of alternative junction layouts based their case on the desirability of additional links to accommodate a wider range of turning movements to serve developments in the surrounding area. The written representations indicate that little consideration was given to likely environmental and social factors. Only Mr Wilson was able to confirm that he considered the benefits of Alternative 1 would outweigh the harm in the long term. In fact Mr Reed, who promoted Alternative 3, withdrew his objection when he became aware of the estimated cost. Similarly, in becoming aware of cost and traffic forecasts IChemE withdrew support of Alternative 1. [5.33, 5.54, 5.68]
- 8.51 The reports on the alternative junction layouts were prepared by the HA, not the promoters. The reports are in sufficient detail to evaluate the engineering and construction issues, the merits of the alternative proposed, the comparative impacts on the environment and land owners, the comparative costs and whether the objectives for the junction improvement would be met. None of the promoters have submitted detailed representations on the reports or challenged the environmental appraisals. The following conclusions are within that context. [7.51]
- 8.52 In Alternative 1, the all-movement junction, the greater benefits of reduced journey times and vehicle operating costs would be achieved at an environmental cost. The four level interchange would have a seriously detrimental impact on the landscape. Mitigation would have limited success in reducing the impact, even after 15 years. The agricultural interests would not be well served by the greater land take. Cultural assets would experience a greater impact too. Therefore Alternative 1 would not perform well against the objective of keeping adverse environmental impacts to a minimum. [3.15, 5.61, 6.7, 6.9, 7.47, 7.54, 7.55, 7.57]

- 8.53 The importance of a direct link between Swinford and Catthorpe has been highlighted in representations as well as through the consultation process. The absence of such a link in Alternative 1 means that it would not secure the level of improvement for the local community as achieved by the Scheme. [3.65, 3.69, 3.105, 5.50, 6.6, 6.11, 7.58]
- 8.54 The BCR at 3.2 is lower than the 3.6 for the Scheme, which indicates that Alternative 1 is less value for money. A key objective would not be satisfied. Having in mind the policy requirement to achieve sustainable development, I conclude that Alternative 1 would not offer any material advantage over the Scheme. [3.15, 5.33, 5.38, 5.51, 7.54, 7.59]
- 8.55 Alternative 3 is a more innovative solution but is also distinguished by the very high cost. Whilst of benefit to some by maintaining access to the major routes at Junction 19, key objectives of segregating local from strategic traffic and reducing severance would not be achieved. Also, during construction the greater temporary land take and large volume of excavated materials would be particularly disruptive. The poor value for money is shown by the BCR of 1.7. Taking these points into account I conclude that Alternative 3 would not offer any material advantage over the Scheme. [3.15, 5.52-5.54, 6.6, 6.7, 6.10, 7.60-7.64]
- 8.56 Alternative 8 would be the same as the Scheme but with the addition of free-flow links between the A14 westbound and M1 southbound, and between the M6 southbound and the M1 northbound. Compared to the Scheme the environmental impact would be worse, primarily as a result of the more significant effects on agricultural land and farm businesses, ecology and nature conservation and cultural assets. The residential caravan at Stonebank would have to be relocated off site, leading to a large adverse effect on this property. The gain would be limited to long distance travellers only but the traffic flows would be relatively low, further reducing the value of the links. The BCR of 3.5 is slightly worse, added to which is the cost of delay in resolving the serious problems at Junction 19. Having considered all the other matters in the assessment Report, I conclude that Alternative 8 would not offer any material advantage over the Scheme. [5.55, 5.56, 6.6, 6.7, 7.65-7.68]
- 8.57 Alternative 9 incorporates the addition of a single link to enable traffic from the A14 westbound to join the M1 southbound. Compared to the Scheme, the most significant adverse environmental impact would be on agricultural land and farm businesses through increased permanent land take. The link would serve a relatively small volume of traffic, even in 2032. The significance of the benefit is reduced when account is taken of the minimal effect its provision would have on the wider highway network and traffic levels in the nearby villages. The BCR of 3.7 is very slightly better than the Scheme BCR of 3.6. In this respect the costs of delay to improvements at the Junction is an important consideration. I conclude that Alternative 9 would not offer any material advantage over the Scheme. [5.57, 5.58, 6.6, 6.7, 7.51, 7.69-7.72]

- 8.58 Alternative 10 would involve a relatively large increase in permanent land take and require the introduction of a structure at higher level than the Scheme. As a consequence the adverse effects on agriculture, the landscape, biodiversity and cultural assets would be greater. The traffic analysis indicates that traffic flows on the additional links would continue to be low, even allowing for future developments. The effect on the strategic and local road networks would be minimal. The substantial increase in costs more than outweighs the higher monetised benefits, such that the BCR is 2.9. This represents poorer value for money than the Scheme. Overall, Alternative 10 would not offer any material advantage over the Scheme. [5.59, 5.60, 6.6, 6.7, 7.73-7.76]
- 8.59 I have concluded in paragraph 8.27 that the Scheme performs well in relation to existing and forecast traffic flows and that objections based on the exclusion of lesser flows are not substantiated. Considering economic, social and environmental factors together, none of the Alternatives offer any material advantage over the Scheme. The Alternatives perform less well in meeting objectives for the Scheme and planning policy requirements. Therefore the Alternative junction layouts should not be investigated further.

### **Additional Links in the Future**

- 8.60 In some instances support for the Scheme has been qualified and assurances sought that the Scheme would not prejudice additional links in the future. This view was articulated at the inquiry by Mr Undy, Mr Salaman and Mr Richards. A particular concern is the potential impact from the expansion of DIRFT. [4.1-4.6, 4.13, 5.66]
- 8.61 The Future Option 1 report addressed this issue in relation to connecting the A14 to the M1 south of the Junction in both directions. Alternative 8 demonstrates that a link between the M6 southbound and M1 northbound could be added in the future. Similarly Alternative 9 shows that construction of a single link between the A14 westbound to the M1 southbound would be possible. Therefore construction of the Scheme now would not preclude the addition of links in the future, if justified by demand. An economic appraisal would be undertaken at the appropriate time. The Scheme also allows for extra capacity without the need for major engineering work. [3.38, 4.14, 7.68, 7.72, 7.76-7.80]
- 8.62 I conclude that the Scheme meets objectively assessed traffic needs with sufficient flexibility to adapt to change. This approach is consistent with the principles of sustainable development described in the Framework.

### **The Scheme Programme**

- 8.63 Supporters of the Scheme are hoping that a start will be made without delay. Rugby Borough Council is now of a similar view. Swayfields (Rugby) Ltd is the one objector to question whether the necessary resources will be

made available within a reasonable time scale. [4.7, 4.11, 5.39, 5.66]

- 8.64 Provision has been made to commence the main construction programme in January 2014. The budgetary provision to date has been consistent with the normal approach to funding and management of the roads programme. The HA is confident that funding to progress the Scheme would be made available on completion of the statutory procedures. The very recent prioritising of the Scheme as part of the Government's Growth Agenda lends substantial weight to the prospect of work starting without delay. In contrast, the concern of Swayfields relied on the Explanatory Statement (DD006), which by necessity is a short statement. There is no explanation as to why funding would not be forthcoming. The assertion provides no justification for doubting the availability of resources. [3.40, 3.119, 5.39, 7.42]
- 8.65 As well as financial impediments, Circular 06/2004 identifies physical and legal factors as potential impediments to implementation of a scheme. In this case, extensive survey work has been undertaken, local authorities and environmental agencies have been involved throughout. The probability of encountering an unforeseen physical impediment is very low. Attention has been given to the programming of infrastructure and accommodation works. The need for consents and licences has been taken into account. [3.40, 3.44, 3.87, 3.93, 3.115, 3.120, 3.121]
- 8.66 Provision has been made in relation to maintaining statutory undertakers' apparatus. The statutory requirements in relation to the stopping up of highways and PMAs have been addressed. The Grindals' objection in relation to the Station Road improvement is capable of resolution without any modification to the draft SRO. The careful and sufficiently detailed design work should ensure all the land required for the Scheme and essential mitigation is identified and included in the draft CPO. The HA has demonstrated that there is a clear idea of how all of the land to be acquired is to be used, a matter that is confirmed by Appendix K in document HA/38/01. [3.35, 3.31-3.34, 3.39, 3.44, 3.45, 3.79, 3.118, 5.5, 7.14]
- 8.67 The HA has confirmed that all statutory procedures have been correctly followed. The Orders, if made, would provide the necessary authorisations. There are no apparent grounds for anticipating legal difficulties. In the light of all these considerations I conclude that the Scheme is unlikely to be blocked by impediment to implementation. [3.112, 3.120]

### **The Scheme Bridleway Route and Alternative Bridleway 1 (OBJ03)**

- 8.68 Public bridleway X12, which follows a route along the eastern edge of the M1 motorway, would be stopped up as part of the Scheme. The objection is to the route of the proposed replacement bridleway between the A14 and M1. Alternative Bridleway 1 is able to be considered as a potential modification to the published draft SRO and CPO. No changes would be required to the draft Line and Scheme Orders. In my view the nub of the objection is whether the Scheme bridleway has struck the right balance

between the interests of agriculture and the policy and scheme objectives to (i) minimise the impacts on biodiversity and (ii) protect and enhance public rights of way. [3.15, 3.73, 5.4, 7.1]

- 8.69 **The Scheme bridleway** would affect the farm businesses owned by the Grindals and Mr Lloyd. In respect of the Grindals' land, the bridleway would replace an existing bridleway to the west of the M1. A positive feature is two public footpaths across the field would be extinguished, removing the obligations to maintain the PRowS and the consequent interference with farming operations. However, the use of the land for environmental and recreation use would lead to a permanent loss of land from agricultural use. This loss has not been included in the permanent land take figures, on the basis that the land would be retained within the ownership of the farms. The implications of the effect of the bridleway on the existing, and future, ELS/HLS agreements have not been fully explored. The loss of some additional land from agricultural use to environmental use cannot be discounted. These considerations suggest that the permanent loss of land from agricultural production has not been sufficiently acknowledged. [3.84, 5.4, 5.14, 7.3, 7.4]
- 8.70 This effect on the Grindals' holding would be in addition to the considerable disruption to the family business during the course of construction, the permanent loss of land from the Farm and the need to adjust to the other effects on farming operations. Of the ten farmland holdings affected by the Scheme, the greatest effect would be on Manor Farm, the only holding likely to experience a *Moderate Adverse* effect. In this broader context, the objection of the Grindal Family to the bridleway route is understandable. [3.85, 5.2]
- 8.71 The position in relation to Mr Lloyd's holding is different in so far as the bridleway would affect a smaller area of land compared to Manor Farm. No other land on his farm would be affected by the Scheme. The main concern, as highlighted at the Inquiry, is the potential threat in the short term to his ELS agreement and the difficulty of finding replacement land on his holding. In the longer term Stewardship arrangements may be enhanced. [5.14, 7.3, 7.4, 7.16]
- 8.72 The local otter population is an important attribute of the River Avon corridor. The land owners' management through the Stewardship scheme probably has contributed to the otters' success. Conservation management is likely to continue without the Scheme. The potential impacts from the proposal are disturbance from the construction and use of the bridleway and severance of the otters' territory. The probability is that otters are sensitive to level of use but research has demonstrated that otters tend to be nocturnal and are tolerant of human activity. The expectation is that the bridleway would not be heavily used. Even so, the acceptability of the proposals for the bridleway relies on a substantial level of mitigation in the otter protection strategy. Pre-construction surveys and monitoring during the works would be essential. Recognising this, the strategy has been carefully developed using local survey information and in consultation with

Natural England and the Environment Agency, who no longer have an objection to the proposal. In time, the establishment of an improved habitat would have a beneficial effect. The view I have formed is that the strategy has an element of risk but if successful the habitat and otter population would be safeguarded and eventually enhanced. [3.88, 3.90, 3.91, 5.4, 5.14, 7.5-7.8, 7.16]

- 8.73 The bridleway would provide an attractive and convenient route, forming a link in a circular route between the villages. The severance, which has limited the use of existing footpaths and bridleway over the land between the M1 and A14, would be overcome. The effect of noise from the motorway would be confined to a limited section and would not significantly detract from the overall amenity of the way. The route would be accessible to all under normal conditions. Taking everyone's views into account, there would be a very low risk of horses and riders coming to harm near the river. It is generally agreed there would be no certainty of all year access because of the location of the proposed route within the flood plain. Also, the deposit of mud and silt would detract from the amenity of the route. Nevertheless the effect of flooding would not be a serious disadvantage because of the number of alternative rides and walks in the locality. The bridleway was designed and developed through consultation and has the strong support of user groups. The PRoW network would be enhanced. [3.29, 3.105, 4.7-4.10, 5.4, 5.14, 5.15, 6.2, 6.3, 7.9-7.12]
- 8.74 Costs are increased primarily by the environmental mitigation measures but also by the creation of a new bridleway, rather than utilising infrastructure necessary to maintain the drainage ponds. The increase in cost is relatively insignificant within the Scheme as a whole and is justified by the creation of a high quality route and long term biodiversity gain. If account is taken of costs associated with agricultural losses and maintenance the justification becomes slightly less strong. [5.4, 5.14, 7.13]
- 8.75 My conclusion is that the Scheme proposal satisfies planning policy requirements to enhance biodiversity and to secure high quality and accessible green infrastructure. The route along the River Avon would contribute to a key scheme objective to improve conditions for vulnerable users. [3.15, 3.69]
- 8.76 **Alternative Bridleway 1** would minimise the disruption to farming practices at Manor Farm by utilising the existing bridleway route and infrastructure required to maintain the drainage ponds to be provided as part of the Scheme. Land take would be reduced. The existing ELS/HLS agreement and environmental management of the river corridor by the land owners would continue, reducing further the effect on the agricultural holdings. The public footpaths would remain across the field, which appeared not to have been appreciated by the Grindals. The benefit for Mr Lloyd would not be so significant because the Alternative route would cross onto his land at the eastern end. [5.7, 5.8, 5.14, 7.3, 7.4, 7.16]
- 8.77 The Alternative bridleway route would reduce the scale of construction work

along the length of this section of the river and therefore reduce the potential for disturbance. However, the beneficial effect on the otter population is not so clear cut as suggested by the objectors. The alternative bridleway would cross the River at a sensitive location near a known otter lay-up. The Scheme bridleway would avoid this spot and instead provide a planted otter refuge. There would be no certainty that re-grading of the river bank and shrub planting along the river corridor would take place, measures which would encourage increased biodiversity. The longer term prospect for enhanced biodiversity would be less good. [5.8, 5.10, 5.14, 5.15, 7.5-7.7]

- 8.78 Having explored the matter at the Inquiry, I consider the amenity of the Alternative bridleway would suffer from its proximity to the M1 and A14. In respect of noise, the effectiveness of the protection of the embankment to the M1 would be subject to weather conditions. Any benefit would be outweighed by the exposure to noise along the section of the route next to the A14 and the hostile environment near the interchange. In this context the all year round availability of most of the route would not be a valued addition to the network. [5.11, 5.14, 5.15, 6.1, 6.3-6.5, 7.9-7.12]
- 8.79 There is no doubt that the Alternative bridleway would cost some £55,000 less on the HA's estimate. The saving could be two or three times more on the Grindal's figures. A modification has been prepared to the published Orders to enable the Scheme to proceed with the Alternative bridleway thereby avoiding any cost arising from delay. No monetary value has been placed on environmental and amenity factors. In my view the Scheme bridleway is better value for money. [5.9, 5.14, 7.1, 7.13]
- 8.80 Questions were raised over the inclusiveness of the consultation process on the bridleway. The explanation given by Mr Moore provided assurance that a considerable amount of time was devoted to engaging with all interested parties. [3.105, 5.4, 6.2, 6.3]
- 8.81 In conclusion, the merits of Alternative Bridleway 1 have been over-stated by the promoters. The Scheme bridleway performs better in meeting key objectives for the improvement scheme and planning policy objectives in Policy CS8 of the Harborough CS and the Framework. On that basis the Scheme proposal is justified and the proposed modification should not be adopted. [3.15, 3.69, 3.73, 5.12, 5.14, 5.15, 7.2]
- 8.82 Nevertheless, if greater weight and priority is attached to agricultural interests Alternative Bridleway 1 is an acceptable solution. In the event the Secretaries of State disagree with my conclusion, the Scheme is able to be modified as proposed in Document HA/43/01. [7.1]

### **Station Road Access (OBJ03)**

- 8.83 In the centre of Catthorpe the Station Road junction is constrained in width by parked vehicles and the alignment of the kerb. Large farm vehicles and

machinery have to encroach onto the grass verge to negotiate the junction. The closure of a PMA as a result of the Scheme would lead to increased use of the junction to facilitate farming operations. [5.5, 7.14]

- 8.84 Whilst the existing arrangement could continue, a reasonable expectation is for an improvement to the junction to avoid the risk of damage to vehicles, farm machinery and the green space. To rely solely on improvements to farm tracks would not be a sufficient response when account is taken of land ownership within the farming partnership and the advantages to all road users of the Grindals being able to easily operate a one way scheme. At the minimum, small scale works to replace the existing dropped kerb and harden the verge should be carried out. The discussions between the HA and the County Council confirmed that no modification is required to the published Orders to allow improvements to the junction to take place. [5.6, 7.14, 7.15]

#### **Objections by Messrs Turney (OBJ04)**

- 8.85 I have considered the objection to the provision of the LLR, a fundamental element to the Scheme. The remaining objections relate to the design of the LLR, PRow and private means of access and effects on amenity in so far as they may affect Tomley Hall Farm. [5.19, 5.22]

#### *Design of the LLR*

- 8.86 The LLR has been designed to have a verge 3 m in width along the northern edge of the carriageway to allow use by vulnerable users. My initial view was that the width could be excessive, taking account of likely future use, the maintenance required and the narrower verges that are more typical of the rural roads in the area. However, the width is justified by reference to the DMRB, where specific emphasis is placed on the need to fully consider and promote facilities for non-motorised road users. The Overseeing Organisation, the highway authority Leicestershire County Council, has similar standards and supports the proposal. To make provision contrary to the highway authority's requirements would not be in accordance with DMRB advice. [3.25, 3.26, 5.21, 7.21]
- 8.87 There are further important considerations. The verge would provide an alternative reasonably convenient route for PRowS that would be stopped up as part of the Scheme. Mr Turney's submission that there has not been such a facility in the past needs to be placed in this context. A local need for such provision has been established through the consultation with user groups and the route along the LLR would form part of the wider LRN. The two additional access points to the footpaths across land at Tomley Hall Farm is consistent with the objective to minimise the effects of severance of local thoroughfares for vulnerable users. [3.26, 5.21, 5.25, 7.21, 7.23]
- 8.88 The fear Mr Turney has of unauthorised use is not supported by the reported experience of the County Council. The accompanied site visit took

in places near to Tomley Hall Farm where it would appear access to verges has been discouraged by planting and other measures. However, the circumstances leading to their current state are not clear. These examples are insufficient to outweigh the force of the relevant national and local standards and the reasons for making adequate provision for vulnerable users along the LLR. I conclude that a verge 3 m in width along the northern edge of the carriageway is appropriate and justified. [5.21, 7.21]

- 8.89 Having established that the verge would facilitate use by vulnerable users, to plant and mound the verge as part of the landscaped area would defeat its purpose. The LLR would be a relatively minor feature in the landscape compared with the motorway behind. A hedge along the boundary with the farm would be consistent with the field boundaries in the locality and be the most suitable form of landscape treatment in this rural area. [5.22, 7.27]

#### *Access*

- 8.90 The proposed LLR would have connections to the PRoWs crossing the fields at Tomley Hall Farm north of the M6. The concern of Messrs Turney over increased use of the footpaths and bridleways and the problems caused to livestock in part prompted a request for rationalisation and diversion of the PRoWs as part of the Scheme. The proposals put forward by Messrs Turney are outside the scope of the SRO. It is only in circumstances where the Scheme necessarily stops up or interferes with a PRoW that there are the powers to provide another reasonably convenient route. [5.19, 5.24, 5.25, 7.22, 7.23]
- 8.91 The existing permanent access to Stonebank would not be affected by the Scheme. Consequently there is no necessity and most importantly no statutory power to change the existing means of access. [5.26, 7.28, 7.29]

#### *Amenity*

- 8.92 Tomley Hall Farmhouse is one of the closest residential properties to the Junction and is accepted as having high sensitivity to noise and vibration. It is inevitable by reason of the dwelling's location that the occupiers would be adversely affected during the construction period from a range of noise sources. In particular the LLR in its initial form is planned for use as a temporary slip road for M6 to A14 traffic. Messrs Turney do not object to this but have requested visual and acoustic screening. [5.27, 7.26]
- 8.93 The HA has demonstrated that site management and mitigation measures would be an integral part of the CEMP to reduce the exposure to noise and vibration. The magnitude of the overall noise and vibration impact was assessed as *Minor Adverse*. In view of the current raft of regulations on health, safety and environmental management during construction, the experience of some 20 years ago, referred to by Mr Turney at the Inquiry, is not a reliable indicator of impact. I am satisfied that careful consideration has been given to minimising disturbance. [5.27, 7.26]

- 8.94 The preferred solution of Messrs Turney to put the temporary access into a cutting would not be realistic because of the earthworks involved, the implications for drainage and the cost. In the longer term a cutting would not be visually acceptable within the landscape and therefore considerable restoration works would be necessary, adding to the disruption and cost. Similarly a wall would not be justifiable on grounds of cost and visual intrusion. The HA's alternative proposal of forming a temporary 2 m earth bund would be an appropriate visual and acoustic screen during construction. [5.27, 7.26, 7.27]

#### *Other matters*

- 8.95 Careful and thorough consideration has been given to the effect of the Scheme on Tomley Hall Farm, including how farming practices may be influenced by public access. A distinction was correctly drawn between the practical assessment of the impact on land take and severance and those matters that would be dealt with through compensation. [3.85, 5.28, 5.29, 7.25]
- 8.96 At this stage in the development process, when the draft Orders are subject to approval, I would not expect that details and specifications of accommodation works, mitigation measures, fencing and gates to be available. At the Inquiry Mr Turney accepted his concerns about drainage would be dealt with as part of the accommodation works. [5.27, 7.25]

#### **Mr S E Morris and Mrs J Morris (OBJ05, OBJ08)**

- 8.97 Mr and Mrs Morris explained why they were so concerned about the effects on their stock by reason of proposed bridleway X6 going across their fields. The HA's proposed modification to the route, to follow the field boundary, would be an appropriate solution in association with proposed fencing. Their objection would be resolved. [5.16, 5.17, 7.30]

#### **Objection by Swayfields (Rugby) Ltd (OBJ02)**

- 8.98 Central to the objection by Swayfields is that the outline planning permission for a RSA granted on 6 June 2000 remains extant. The position of the HA is that there is no evidential basis to support that conclusion. As a matter of fact, no evidence was produced by Swayfields to support its case that the development was lawfully commenced within the required timescale. It is for the Secretaries of State to decide on the appropriateness of considering as part of the current proceedings the status of the permission and whether the development was lawfully commenced within the required timescale. However, it seems to me that the extent to which the Scheme would affect a planning permission for an RSA on the land, if as a matter of law planning permission is still extant, and the implications for the value of the land are primarily concerned with matters of compensation. As such I come to no conclusions on these aspects of the objection. [5.34, 5.35, 7.32, 7.33, 7.37]

- 8.99 I have addressed the adequacy of the proposed Junction layout and the funding of the Scheme<sup>82</sup>. Turning to the remaining outstanding points of objection, designation of a motorway service area as part of an improvement scheme was associated with the original preferred route, the Blue Option. Even at that time there is nothing to suggest that an RSA was an essential part of the scheme. The Blue Option was not progressed through the statutory process. Circumstances have changed. There are no reasonable grounds to now rely on discussions that took place in 2004/05 in advance of a scheme being taken through the statutory process. It also appears that in any event a new planning permission would be required to develop the land for use as an RSA with an all-movement junction. [3.9-3.11, 5.36, 5.38-5.40, 5.51, 7.34-7.36]
- 8.100 The 'major disadvantage' of the loss of an RSA, as claimed by Swayfields, is not borne out by closer examination. The ES clearly demonstrates that the effect of the Scheme on the development site was taken into account. When assessed overall the conditions for long distance travellers would be better with the Scheme. Furthermore, the need for an RSA or motorway service area on the Land is not identified by the development plan and would not be a use acceptable under Policy CS17 of the Harborough CS. Existing and approved service areas on the M6 and the A14 are at appropriate intervals. Therefore there is no necessity for the Scheme to include provision for development of an RSA. RSA provision would not be a significant factor in justifying an all-movement junction. [3.68, 3.107, 5.36, 5.51, 7.35, 7.36, 7.38, 7.44]
- 8.101 The decision to change from the Blue Option to the Scheme was based on the outcome of extensive public consultation in 2008 and was supported by the findings of a CEA. The criticism by Swayfields of the limited nature of the consultation process is not borne out by the evidence. [3.111, 5.37, 7.39, 7.40]
- 8.102 The consideration of development plan policy and national planning policies is well documented in the ES. The policy position was updated in the Supplementary Notes in 2012. The proofs of evidence and in particular the evidence of Mr Keegan addressed how the Scheme takes account of local and national planning policies. This aspect of the objection is unsubstantiated and has no merit. [3.59-3.76, 3.112, 5.41, 7.45]
- 8.103 I address whether there is a compelling case for the Scheme and the CPO in the final conclusions. [5.42, 7.46]

### **Objection by CRPE Warwickshire (NSOBJ22)**

- 8.104 Mr Sullivan indicated he would be making late representations to the Secretaries of State. I will address the objection on the basis of the

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<sup>82</sup> See paragraphs 8.20-8.27, 8.64

information available to me. In view of the route of HS2 Phase One announced by the Secretary of State for Transport in January 2012 there is little prospect of Phase Two interacting with Junction 19. There is no justification to delay the 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. [5.44, 7.49, 7.50]

## Other Matters

- 8.105 Mr Haynes and Mr Horner expressed concerns about traffic, especially construction traffic, going through Welford. I consider the HA has addressed this issue satisfactorily through a number of proposed measures, including the proposals for traffic management and the location of temporary haul routes and compounds during the construction period. Existing weight limits on local roads also would contribute towards protecting the amenity of the villages. The severance of the LRN from Junction 19 before the start of the construction, as requested by Mr Robbins, would not be practicable. Taking all the above points into account, I conclude that the traffic would not give rise to unacceptable disruption or harm to amenity in local villages during the construction period. [3.41, 3.42, 3.44, 5.62-5.64, 7.93, 7.94]
- 8.106 The design of the emergency access links would ensure their exclusive use by emergency and maintenance vehicles. Therefore general use would be prevented, maintaining standards of highway safety at the Junction. The concerns of Mr Robbins and Mr Richards have been satisfactorily addressed. [3.24, 4.5, 5.64, 7.48]
- 8.107 The weight of analysis and opinion is that the Scheme would have a minimal impact on the movement of abnormal loads. Accordingly the concerns of Convertteam UK Ltd are not justified. [5.49, 7.83]
- 8.108 The extent and specification for lighting would reduce the possibility of light pollution affecting the countryside. In view of the information provided by the HA I do not consider the visual effect would give rise to significant harm. [3.90, 5.64, 7.95]
- 8.109 As regards the objection by Too Zarr Ltd, the provision of access into the Swayfields land would not be feasible with the Scheme, as demonstrated by the HA. An interest in developing a truck stop provides no grounds for any alteration or objection to the Scheme. [5.43, 7.35, 7.91]
- 8.110 The reservations of Mr Richards about a lack of publicity and peoples' lack of awareness of the purpose of the inquiry were not supported by any factual evidence. They provide no basis for questioning the HA's confirmation that all statutory procedures were followed. [4.6, 7.48]
- 8.111 Mr Deacon did not submit an objection in 2010 in response to the publicity on the draft Orders and ES. He lives in Clifton upon Dunsmore, which is not

one of the villages likely to be significantly affected by the Scheme. Therefore, for practical and cost reasons, he was not sent a copy of the NTS in October 2012 when the statutory process was resumed. However, he has been able to submit his objection and has since been in contact with the HA to discuss Alternative 10. Mr Deacon was aware of the dates of the Inquiry and indicated he would attend. I consider that Mr Deacon has had good opportunity to make his objection and that he was not substantially prejudiced by the fact a NTS was not sent to him. [5.59, 7.90]

### **Proposed Modifications to the Draft Orders**

- 8.112 The proposed modifications are fully described in HA/38/01 and are in four categories. [3.123, 3.124]
- 8.113 The first category consists of the minor updates to the OS mapping base to include a small number of new properties and to reflect the recent replacement of the Catthorpe Viaduct. The modifications to improve accuracy of the Key Plans and Site Plans to the Line Order, Scheme Orders, SRO and CPO may be made without anyone being substantially prejudiced. [3.128-3.132, 3.137, 3.139, 3.140, 3.142, 3.146, 3.147]
- 8.114 The second category consists of the design development changes to the Scheme that resulted from the design review and the revised traffic forecasts. The design changes would reduce to some degree the extent and scale of development and produce a more efficient footprint without a loss of efficiency or reduction in safety. The reduced land take would be of benefit to farm businesses and agricultural interests. The retention of the Shawell Road Bridge would reduce disruption. No modification would be required to the Line Order or the M1 Scheme Order. Modifications are required to Site Plan No.1 of the M6 Scheme Order, Schedules 1, 2 and 3 and Site Plans Nos. 1, 2 and 3 of the SRO and the CPO Site Plans Nos. 1, 2 and 4 and the CPO Schedule. The proposed modifications would improve the design of the Scheme and may be made without causing anyone substantial prejudice. [3.12, 3.125, 3.131, 3.133, 3.134, 3.137, 3.141, 3.144, 3.147]
- 8.115 The third category of modifications reflects the outcome of discussions with land owners about detailed aspects of the proposals. The relocation of drainage pond 3 would assist the cultivation of the surrounding field. It has been agreed with the Grindals and led to the qualified withdrawal of their objection to the siting of the pond. Amendments have also been agreed with land owners Mr and Mrs Morris that address their objections. A re-routing of a haul route would enable the further reduction of temporary land take (plot 2/6c). The amendment to the permanent land take for the construction of drainage pond 2b (plot 2/6b) would assist farming activities. The revision to the line of the proposed public bridleway X6 would increase land take but is in agreement with the owner. Therefore the proposed modifications would reduce the effect of the essential drainage pond infrastructure works on farming operations. The small change to the bridleway route would ease the worries of the land owners and would not

detract from achieving the objective to improve conditions for vulnerable users. These modifications do not affect the Line Order or the Scheme Orders. The required Modifications to Schedule 3 and Site Plan No.3 of the SRO and the CPO Site Plans Nos. 2 and 4 and the CPO Schedule may be made without substantially prejudicing anyone. [3.126, 3.138, 3.144, 3.147]

- 8.116 The fourth category is concerned with changes to land ownership details. These changes reflect corrections of previous information and changes that have occurred during the three year period following the publication of the draft Orders. Information has been derived from the Land Registry and from land owners and is documented in detail in HA/38/01. I draw particular attention to the incorrect identification of the size of the area of plot 2/1d. The land owners, identified by the HA as Mr Turney and Mrs Roberts, would have been aware of the correct area from the plans sent to them and there has been nothing to suggest otherwise. The proposed modifications do not affect the Line Order or the Scheme Orders. For accuracy Modifications are required to Schedules 2 and 3 and Site Plans Nos. 2 and 3 of the SRO and CPO Site Plans Nos. 1, 2, 3, and 4 and the CPO Schedule. I consider no-one would be substantially prejudiced by the modifications. [3.135, 3.137, 3.141, 3.143, 3.145-3.147]
- 8.117 In conclusion, the modifications proposed by the HA identified in paragraphs 3.128-3.147 and detailed in HA/38/01 would reduce land take, are justified and should be made to the draft Orders. [3.127]

### **Conclusions on the Orders**

- 8.118 The Scheme is generally in accordance with the requirements of local and national planning. The requirements of agriculture have been fully considered. I am satisfied that the Scheme is expedient for the purpose of improving the national system of routes for through traffic in England. I conclude that the Line Order and the Orders for the Connecting Roads Schemes should be made as drafted, subject to the modifications set out in Document HA/38/01.
- 8.119 The proposals for improving, constructing or stopping up the highways in question and for the stopping up of PMAs are necessary to carry out the Scheme. Provision is made for a reasonably convenient route to be available or to be provided before a highway is stopped up. Where a PMA is to be stopped up and access to the premises is reasonably required another reasonably convenient means of access would be available or be provided before each stopping up takes place. All necessary arrangements are described in the Schedules and Plans of the draft SRO as proposed to be modified. Provision is being made to maintain statutory undertakers' apparatus affected by the Scheme. I conclude that the Side Roads Order is able to be made as drafted, subject to the modifications described in Document HA/38/01.
- 8.120 I have closely studied the Schedule and plans accompanying the

Compulsory Purchase Order, as modified, and can find no evidence of any proposal to purchase land or rights other than those necessary to implement the Scheme. There have been no assertions to the contrary other than those that I have considered and reported on. I am therefore satisfied that the Order addresses no more land than is necessary and that the acquiring authority, the Department for Transport, has a clear idea of how it intends to use the land.

- 8.121 Budgetary provision has been announced by the Government, and if the Orders are made, preliminary works are programmed to start in the autumn of 2013. Accordingly, no land is proposed to be acquired ahead of time. There is no evidence to indicate that the Scheme is likely to be blocked by any impediment to implementation.
- 8.122 Every person has an entitlement to the peaceful enjoyment of his possessions, by way of Article 1 of the First Protocol, a Convention right under the Human Rights Act 1998. In summary, no-one shall be deprived of his possessions except in the public interest. Article 8, a qualified right, entitles everyone a right to respect for his private and family life, his home and correspondence. There is a compelling case for the Scheme to be implemented in order to overcome congestion and delays and reduce accidents at M1 Junction 19. The Scheme would improve journey reliability, safety and improve provision for vulnerable users. There is clear evidence that the public benefit will outweigh the private loss. Therefore the purposes for which the CPO is promoted are in the public interest and justify interfering with the human rights of those with an interest in the land. Appropriate measures have been taken in the design of the Scheme to mitigate adverse effects as far as possible. Any residual interference with human rights is proportionate and necessary to achieve the legitimate objectives of the Scheme.
- 8.123 I conclude that the CPO should be made subject to the Modifications contained in Document HA/38/01.

## **9 RECOMMENDATIONS**

- 9.1 I recommend that:
- 9.2 The M1 Motorway (Junction 19 Improvement) (Trunk Road) Order 20\_ be modified as set out in Document HA/38/01 and that the Order, as so modified, be made.
- 9.3 The M1 Motorway (Junction 19 Improvement) (M1 Motorway Connecting Roads) Scheme 20\_ be modified as set out in Document HA/38/01 and that the Scheme, as so modified, be made.
- 9.4 The M1 Motorway (Junction 19 Improvement) (M6 Motorway Connecting Roads) Scheme 20\_ be modified as set out in Document HA/38/01 and that

the Scheme as so modified be made.

- 9.5 The M1 Motorway (Junction 19 Improvement) Side Roads Order 20\_ be modified as set out in Document HA/38/01 and that the Order, as so modified, be made.
- 9.6 The M1 Motorway (Junction 19 Improvement) Compulsory Purchase Order (MP No.\_) 20\_ be modified as set out in Document HA/38/01 and that the Order, as so modified, be made.

*Diane Lewis*

INSPECTOR

## APPENDIX 1: APPEARANCES

### FOR THE HIGHWAYS AGENCY:

James Strachan He called:	of Counsel, instructed by The Treasury Solicitor
Ivan Marriott BEng(Hons)	Project Manager, Highways Agency Major Projects, Midlands and South West Division
Peter Kirk BSc(Hons) CEng MICE MCIHT	Divisional Director, Jacobs UK Ltd
Gordon Gray BSc	Project Manager, Skanska Construction UK Ltd
Stuart Turnbull B Eng (Hons) CEng MCIHT MCILT	Director of Operations, Jacobs UK Ltd
Ted Keegan BSc(Hons) MSc MRTPI	Divisional Director, Jacobs UK Ltd
Barry Moore BA (Hons) DipLD CMLI FCIHT	Director of Moore Environment
Ted Rogers IEng FRICS MIAgrE	Director of Acorus Rural Property Services Ltd
Lucy Brooksbank BA(Hons) CEnv MIEMA	Divisional Director, Jacobs UK Ltd
Nick Steggall BSc(Hons) MSc CEnv MIEEM	Principal Technical Ecological Consultant, Middlemarch Environmental Ltd
Vicki Score BA(Hons) MSc MifA	Project Manager at University of Leicester Archaeological Services
Rob Hill BSc FIOA CITP MBCS	Principal Consultant, Acoustical Investigation & Research Organisation Ltd
Erwan Corfa MEng MIAQM MIES	Senior Consultant, Bureau Veritas

### SUPPORTERS OF THE ORDERS:

Mr Bruce Undy	Resident, local businessman and representing the Federation of Small Businesses Warwickshire and Coventry
Mr Christopher Salaman	Resident
Mr Richards	Resident and Member of Crick Parish Council

### OBJECTORS TO THE ORDERS:

Mr Michael Grindal	Land owners
Mr John Matthew Grindal	Represented by Mr James Harrison MRICS FAAV, Burbage Realty
Mr James Grindal	Burbage Realty
Mr Stephen Morris	Land owners
Mrs Julie Morris	
Mr David Lloyd	Land owner, Represented by Mr Mark Ferguson, Ferguson Broadbent LLP
Mr Anthony Turney	Land owner Represented by Mr David Bennett FRICS FAAV, Fox Bennett
Mr Alan Wilson	Resident, retired Transport Manager

**COUNTER OBJECTOR:**

Vicki Allen

Access and Bridleways Officer, British Horse Society and Chair of the Leicestershire and Rutland Bridleways Association

## APPENDIX 2: DOCUMENT LIST

### DOCUMENTS SUBMITTED BY THE HIGHWAYS AGENCY

#### **Draft Orders**

- DD001 THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) (A14 TRUNK ROAD) ORDER 20XX
- DD002 THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) (M1 MOTORWAY CONNECTING ROADS) SCHEME 20XX
- DD003 THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) (M6 MOTORWAY AND CONNECTING ROADS) SCHEME 20XX
- DD004 THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) SIDE ROADS ORDER 20XX
- DD005 THE M1 MOTORWAY (JUNCTION 19 IMPROVEMENT) COMPULSORY PURCHASE ORDER (MP No. XXXX) 20XX

#### **Statement of Case**

- DD006 M1 Junction 19 Improvement Explanatory Statement
- DD007 Outline Statement of Case
- DD008 Statement of Case

#### **Press Notices relating to the Scheme**

- DD009 £119m contract for congestion-busting safety scheme at M1, J19, Leicestershire (EM 64/05)
- DD010 Public invited to comment on proposals for M1 Junction 19 improvements at Catthorpe, Leicestershire (EM/59/08)
- DD011 Preferred Route Announcement (EM/232/08)
- DD012 Publication of Draft Orders
- DD013 Notice of Intention to hold a Public Inquiry, October 2012
- DD014 Notice of Pre-Inquiry Meeting
- DD015 Notice of Public Inquiry

#### **TR111 Plans**

- DD016 TR 111 Plan

#### **Road Safety Audit**

- DD017 Road Safety Audit Stage 1 - June 2009
- DD018 Stage 1 Road Safety Audit Designer's Response / Exceptions Report
- DD019 Supplementary Stage 1 Road Safety Audit - December 2012
- DD020 Supplementary Stage 1 Road Safety Audit Designer's Response

#### **Environmental Statement Volume 1**

- DD021 Environmental Statement Volume 1
- DD022 Appendix 1

#### **Environmental Statement Volume 2**

- DD023 Chapter 0: Introduction and Contents
- DD024 Chapter 1: Air quality and Climate change
- DD025 Chapter 2: Cultural heritage
- DD026 Chapter 3: Ecology and nature conservation
- DD027 Chapter 4: Landscape
- DD028 Chapter 5: Materials
- DD029 Chapter 6: Noise and vibration
- DD030 Chapter 7: Effects on all travellers
- DD031 Chapter 8: Community and private assets

- DD032 Chapter 9: Road drainage and the water environment  
DD033 Non Technical Summary of the Environmental Statement
- Environmental Supplementary Notes**
- DD034 Note 1 – Air Quality and Climate Change  
DD035 Note 2 – Cultural Heritage  
DD036 Note 3 – Ecology and Nature Conservation  
DD037 Note 4 – Landscape  
DD038 Note 5 – Materials  
DD039 Note 6 – Noise and Vibration  
DD040 Note 7 – Effects on all Travellers  
DD041 Note 8 – Community and Private Assets  
DD042 Note 9 – Road Drainage and the Water Environment  
DD043 Note 10 – General Environment  
DD044 Note 11 – Figures  
DD045 Changes to Non-Technical Summary
- Other Scheme Reports**
- DD046 Client Scheme Requirements  
DD047 Not Used  
DD048 PCF Stage 4 AST and TAG Worksheets Report  
DD049 Outline Construction Environmental Management Plan (OCEMP)  
DD050 Public Consultation Brochure 1 - Public Consultation  
DD051 Public Consultation Brochure 2 - Preferred Route Announcement  
DD052 M1 Junction 19 Report on Public Consultation  
DD053 Comparative Economic Assessment Report
- Acts of Parliament and Statutory Instruments**
- DD054 Ancient Monuments and Archaeological Areas Act 1979  
DD055 Acquisition of Land Act 1981  
DD056 Countryside Act 1968  
DD057 Countryside and Rights of Way Act 2000  
DD058 Control of Pollution Act 1974  
DD059 Compulsory Purchase Act 1965  
DD060 Environmental Protection Act 1990  
DD061 Environment Act 1995  
DD062 Highways Act 1980  
DD063 Land Compensation Act 1973  
DD064 Planning and Compensation Act 1991  
DD065 Planning (Listed Buildings and Conservation Areas) Act 1990  
DD066 Planning & Compulsory Purchase Act 2004  
DD067 Road Traffic Regulation Act 1984  
DD068 Town & Country Planning Act 1990  
DD069 Not Used  
DD070 The Localism Act 2011  
DD071 Highways (Inquiries Procedure) Rules 1994  
DD072 Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994 (SI 1994/3264)  
DD073 Compulsory Purchase (Inquiries Procedure) Rules 2007

- DD074 Secretary of State Traffic Orders (Procedure) England & Wales 1990 (SI 1990/1656)
- DD075 Highways (Assessment of Environmental Effects) 1988 (SI 1988/1241)
- DD076 Highways (Assessment of Environmental Effects) 1994 (SI 1994/1002)
- DD077 Highways (Assessment of Environmental Effects) 1999 (SI 1999/369)
- DD078 Noise Insulation Regulations 1975 (SI 1975/1763)
- DD079 Noise Insulation (Amendment Regulation) 1988 (SI 1988/2000)
- DD080 Groundwater Regulations 1998 (SI 1998/2746)
- DD081 The Conservation (Natural Habitats) Regulations 1994 (SI 1994/2716)
- DD082 The Conservation (Natural Habitats) 1994 Amended England Regulations 2000 (SI 2000/192)
- DD083 The Air Quality Standards Regulations (England) 2007 (SI 2007/64)
- DD084 The Air Quality Standards Regulations (England) 2010 (SI 2010/64)
- DD085 Land Drainage Act 1991
- DD086 Land Drainage Act 1994
- DD087 Noise and Statutory Nuisance Act 1993
- DD088 Protection of Badgers Act 1992
- DD089 Water Resources Act 1991
- DD090 Water Act 2003
- DD091 Wildlife & Countryside Act 1981
- DD092 Wild Mammals Protection Act 1996
- DD093 Surface Waters (River Ecosystem Regulations) 1994 (SI 1994/1057)
- DD094 Water Supply (Water Quality) Regulations 2000 (SI 2000/3184)
- DD095 Air Quality Regulations England 2000 (SI 2000/928)
- DD096 Air Quality Limit Values Regulations 2003 (SI 2003/2121)
- DD097 Air Quality Limit Values (Amendment Regulations) England 2004 (SI 2004/2888)
- DD098 Hedgerow Regulations 1997 (SI 1997/1160)
- Government White Papers**
- DD099 A New Deal for Trunk Roads in England - July 1998
- DD100 A New Deal for Transport: Better For Everyone 1998
- DD101 Transport 2010 - The 10 Year Plan
- DD102 The Future of Transport: A Network for 2030
- DD103 A New Deal for Trunk Roads in England: Guidance on the New Approach to Appraisal
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- DD105 Delivering Better Transport: Progress Report (DfT 2002)
- DD106 A Better Quality of Life-Strategy for Sustainable Development for the UK (DETR 1999)
- DD107 Our Countryside the Future: A Fair Deal for Rural England (DETR 2000)
- DD108 Biodiversity Impact: A Good Practice Guide for Road Schemes (July 2000)
- DD109 Landscape Character Assessment- Guidance for England & Scotland (2002)
- DD110 The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Defra 2007)
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- Planning**
- DD112 Planning Policy Statement 1: Delivering Sustainable Development
- DD113 Planning Policy Guidance 2: Green Belts
- DD114 Planning Policy Statement 3: Housing

- DD115 Planning Policy Guidance 4: Industrial & Commercial Development & Small Firms
- DD116 Planning Policy Statement 6: Planning for Town Centres
- DD117 Planning Policy Statement 7: Sustainable Development in Rural Areas
- DD118 Planning Policy Statement 9: Biodiversity & Geological Conservation
- DD119 Planning Policy Statement 11: Regional Spatial Strategies
- DD120 Planning Policy Statement 12: Local Development Frameworks
- DD121 Planning Policy Guidance 14: Development on Unstable Land
- DD122 Planning Policy Guidance 15: Planning and the Historic Environment
- DD123 Planning Policy Guidance 16: Archaeology and Planning
- DD124 Planning Policy Guidance 17: Sports and Recreation
- DD125 Planning Policy Guidance 21: Tourism
- DD126 National Planning Policy Framework, Department for Communities and Local Government, March 2012
- DD127 Biodiversity: The UK Action Plan 1994
- DD128 Biodiversity: The UK Steering Group Report, Volume 2 Action Plan 1995
- DD129 Highways Agency Biodiversity Action Plan
- DD130 Trunk Roads and the Generation of Traffic (The Standing Advisory Committee on Trunk Road Assessment 1994)
- DD131 Transport and the Economy (The Standing Advisory Committee on Trunk Road Assessment 1999)
- European Union Directives**
- DD132 75/440 EEC Council Directive of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States
- DD133 76/160 EEC Council Directive of 8 December 1975 concerning the quality of Bathing Water
- DD134 78/659 EEC Council Directive of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life
- DD135 79/409 EEC: Council Directive on the Conservation of Wild Birds
- DD136 80/68 EEC Council Directive of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances
- DD137 85/337 EEC Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment
- DD138 91/441 EEC Council Directive of 26 June 1991 amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles
- DD139 91/692 EEC Council Directive of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment
- DD140 92/43 EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora
- DD141 97/11 EC Council Directive of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment
- DD142 2000/60 EC Directive of 23 October 2000 establishing a framework for community action in the field of water policy
- International Conventions**
- DD143 Ramsar Convention on Wetlands (1971)
- DD144 Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)
- DD145 Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979)
- DD146 Convention on Biological Diversity (1992)

**General Documents**

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- DD150 Department for Transport Business Plan 2011-2015, May 2011
- DD151 2011 Autumn Statement
- DD152 OPDM Circular 06/2004: Compulsory Purchase and The Crichel Down Rules
- DD153 Communities and Local Government Circular 04/10: Compulsory Purchase and The Crichel Down Rules
- DD154 WebTAG Unit 3.5.4 Cost Benefit Analysis
- DD155 WebTAG Unit 3.5.6 Values of Time and Operating Costs
- DD156 WebTAG Unit 3.5.7 The Reliability Sub-Objective
- DD157 WebTAG Unit 3.5.9 The Estimation and Treatment of Scheme Costs
- DD158 Department of Transport Business Plan 2012-2015, May 2012
- DD159 Traffic Management Plan
- DD160 Pre-Construction Health, and Safety Management Plan
- DD161 M1 Junction 19 Improvement – Environmental Statement Confidential Badger Report, Addendum to Chapter 3 [Restricted access]
- DD162 Asbestos Management Plan
- DD163 Harborough District Local Plan, 2001, Saved Policies
- DD164 Rugby Borough Local Plan, 2006, Saved Policies
- DD165 Emerging West Northamptonshire Core Strategy
- DD166 Daventry District Local Plan, 1997, Saved Policies
- DD167 Swinford Parish Plan, 2005
- DD168 Minute from HA's Traffic Appraisal, Modelling and Economics (TAME) Appraisal Certifying Officer
- DD169 M1 Junction 19 - Ground Investigation, Factual Report on Supplementary Ground Investigation, Issue 1.0 November 2010
- DD170 Stage 4 Economic Assessment Report – Addendum – Updated AMCB Table (Appendix F)
- DD171 Not used
- DD172 Scheme Assessment Report
- DD173 Stage 3 Scheme Assessment Report
- DD174 Appraisal Summary Table (AST)
- DD175 M1 Junction 19 – Business Case
- DD176 M1 Junction 19 Scheme Assessment Report – Executive Summary
- DD177 Traffic Forecasting Report
- DD178 Economic Assessment Report
- DD179 Social and Distributional Impacts Report
- DD180 Envirocheck Report
- DD181 M1 Junction 19 Improvement – Badger Survey 2012 [Restricted Access]
- DD182 M1 Junction 19 Improvement – Amphibian Survey 2009
- DD183 M1 Junction 19 Improvement – Bat Survey 2009
- DD184 M1 Junction 19 Improvement – Otter Survey 2008-2009 (a, Part 1; b, Part 2; c, Part 3 & d, Part 4)
- DD185 Value Engineering Technical Note

- DD186 Comparative Scheme Assessment Report (CSAR)
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- DD189 Not used
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- DD191 Technical Appraisal Report
- DD192 Not Used
- DD193 Alternative Route Report for Alternative 1
- DD194 Preferred Route Announcement in February 2009
- DD195 Stage 4 Traffic Data Collection Report
- DD196 Stage 4 Local Model Validation Report
- DD197 Flood Risk Assessment
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- DD199 M1 Junction 19 Improvement – Water Vole Survey 2009
- DD200 M1 Junction 19 Improvement – White-clawed Crayfish Survey 2009
- DD201 M1 Junction 19 Improvement – Reptile Survey 2009
- DD202 M1 Junction 19 Improvement – Breeding Bird Survey 2009
- DD203 M1 Junction 19 Improvement – Invertebrate Survey 2009
- DD204 M1 Junction 19 Improvement – Extended Phase 1 Habitat Survey 2009
- DD205 M1 Junction 19 Improvement – Phase 2 Habitat Survey (NVC) 2009
- DD206 M1 Junction 19 Improvement – Scarce Arable Weed Survey 2009
- DD207 M1 Junction 19 Improvement – Brown Hare Survey 2009
- DD208 M1 Junction 19 Improvement – Extended Phase 1 Habitat Survey 2012
- DD209 M1 Junction 19 Improvement – Amphibian Survey 2012
- DD210 M1 Junction 19 Improvement – Bat Survey 2012 (a, Part 1 & b, Part 2)
- DD211 M1 Junction 19 Improvement – Otter Survey 2012 (a, Part 1 & b, Part 2)
- DD212 Chapter 0 Introduction and Contents
- DD213 Chapter 1 Air Quality
- DD214 Chapter 2 Cultural Heritage
- DD215 Chapter 3 Disruption due to Construction
- DD216 Chapter 4 Ecology and Nature Conservation
- DD217 Chapter 5 Landscape Effects
- DD218 Chapter 6 Land Use and Agriculture
- DD219 Chapter 7 Noise and Vibration
- DD220 Chapter 8 Pedestrians, Cyclists, Equestrians and Community Effects
- DD221 Chapter 9 Vehicle Travellers
- DD222 Chapter 10 Road Drainage and the Water Environment
- DD223 Chapter 11 Geology
- DD224 Chapter 12 Impact on Policies and Plans
- DD225 Appendix 1
- DD226 European Council Directive 2003/35/EEC
- DD227 Folder of all correspondence with Statutory Objectors
- DD228 Folder of all correspondence with Non-Statutory Objectors
- DD229 Folder of all correspondence with Representations
- DD230 Folder of all correspondence with Counter Supporters of Alternative Routes

- DD231 Not Used
- to
- DD234
- DD235 Alternative Route Notice 24/01/2013
- DD236 Alternative Route Notice 07/02/2013
- DD 237 Not Used
- to
- DD 271
- DD272 WebTAG Unit 3.10.3 Variable Demand Modelling - Key Processes
- DD273 WebTAG Unit 3.10.4 Variable Demand Modelling - Convergence, Realism and Sensitivity
- DD274 WebTAG Unit 3.15.2 Use of TEMPRO Data
- DD275 WebTAG Unit 3.15.5 Treatment of Uncertainty in Model Forecasting
- DD276 WebTAG Unit 3.19 Highway Assignment Modelling
- DD277 WebTAG Unit 2.7.1 Transport Appraisal and the New Green Book
- DD278 Notice of Intention to issue a certificate under Section 19 of the Acquisition of Land Act 1981
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- DD282 Highway Construction Details F22 – In-line Outlet Triangular SW Channel
- DD283 Highway Construction Details F2 – Filter Drains – Trench and Bedding Details
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- DD288 Technical Guidance to the National Planning Policy Framework, Department for Communities and Local Government, March 2012
- DD289 Manual of Contract Documents for Highway Works, Volume 1, Series 600 Earthworks, Table 6/1: Acceptable Earthworks Materials: Classification and Compaction Requirements
- DD290 Land Reference Schedule
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- DD302 Warwickshire third Local Transport Plan 2011-2026, April 2011
- DD303 Leicestershire third Local Transport Plan 2011-2026, April 2011
- DD304 Northamptonshire Local Transport Plan 2012
- DD305 Leicestershire second Local Transport Plan 2006-2011, March 2006
- DD306 Air Quality Action Plan – An addendum to the Warwickshire County Council Local Transport Plan 2006-2011, Rugby Borough Council, March 2008
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- DD325 Rugby Borough Council Core Strategy Adopted June 2011
- DD326 Emerging Consultation Draft North Northamptonshire Core Strategy August 2012
- DD327 Bat Conservation Trust 2012 Bat Surveys: Good Practice Guidelines
- DD328 Institute of Environmental Assessment (IEA) (1995) Guidelines for Baseline Ecological Assessment
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- Rutland
- DD330 RSPB Birds of Conservation Concern
  - DD331 English Nature (now Natural England) Great Crested Newt Mitigation Guidelines
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  - DD337 Design Manual for Roads and Bridges - Volume 11 Environmental Assessment
  - DD338 Design Manual for Roads and Bridges - HD33/06 Surface and Sub-surface Drainage Systems for Highways
  - DD339 Not used
  - DD340 Design Manual for Roads and Bridges - HD 19/03 – Road Safety Audit
  - DD341 Design Manual for Roads and Bridges - TD 9/93 – Highway Link Design
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  - DD343 Design Manual for Roads and Bridges - Volume 13 Section 1: The COBA Manual
  - DD344 Design Manual for Roads and Bridges - Volume 14 Section 1: The QUADRO Manual
  - DD345 Design Manual for Roads and Bridges - Volume 5 Section 1 Part 3: TA46/97: Traffic Flow Ranges for Use in the Assessment of New Rural Roads
  - DD346 Design Manual for Roads and Bridges - TD 27/05 - Cross-Sections and Headrooms
  - DD347 Superseded document - Design Manual for Roads and Bridges - Volume 11 Section 3 Part 7: HA 213/08 Noise and Vibration
  - DD348 Highways Agency Interim Advice Note 153/11 Guidance On The Environmental Assessment Of Material Resources
  - DD349 Highways Agency Interim Advice Note 135/10 Landscape And Visual Effects Assessment
  - DD350 Highways Agency Interim Advice Note 130/10 Ecology and Nature Conservation: Criteria for Impact Assessment
  - DD351 Design Manual for Roads and Bridges - Volume 2 Section 3 Part 8 BD 7/01: Weathering Steel for Highways Structures.
  - DD352 Design Manual for Roads and Bridges - Volume 8 Section 3 TD 34/04: Design of Road Lighting for the Strategic Motorway and All-Purpose Trunk Road Network
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  - DD355 Manual of Contract Documents for Highway Works - Volume 1 Specification for Highway Works - Series 0600 Earthworks
  - DD356 Design Manual for Roads and Bridges - Volume 2 Section 2: BD 78/99 Design of Road Tunnels
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  - DD358 Not used

- DD359 Not used
- DD360 WebTAG. Unit 3.3.3 The Air Quality Sub-Objective
- DD361 WebTAG Unit 3.3.5 The Greenhouse Gases Sub-Objective
- DD362 WebTAG Unit 3.5.5 Impacts on Pedestrians, Cyclists and Others
- DD363 WebTAG Unit 3.6.2 The Severance Objective
- DD364 WebTAG Unit 3.3.12 The Physical Fitness Sub-Objective
- DD365 WebTAG Unit 3.3.13 The Journey Ambience Sub-Objective
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- DD379 Daventry District Council Local Development Framework
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- DD388 Bats and Lighting in the UK - Bat Conservation Trust
- DD389 Department for Transport Circular 01/2008: Policy on Service Areas and other Roadside Facilities on Motorways and All-Purpose Trunk Roads in England

## **PROOFS OF EVIDENCE SUBMITTED BY THE HIGHWAYS AGENCY**

- HA/01/01 Proof of Evidence – Mr Ivan Marriott ( Scheme Overview)
- HA/01/02 Appendices to Proof of Evidence
- HA/01/03 Summary to Proof
  
- HA/02/01 Proof of Evidence – Mr Gordon Gray ( Construction)
- HA/02/02 Appendices to Proof of Evidence
- HA/02/03 Summary to Proof
  
- HA/03/01 Proof of Evidence – Mr Peter Kirk (Engineering and Design)
- HA/03/02 Appendices to Proof of Evidence
- HA/03/03 Summary to Proof
  
- HA/04/01 Proof of Evidence – Mr Stuart Turnbull (Traffic and Economics)
- HA/04/02 Appendices to Proof of Evidence
- HA/04/03 Summary to Proof
  
- HA/05/01 Proof of Evidence – Mr Barry Moore (General Environment)
- HA/05/02 Appendices to Proof of Evidence
- HA/05/03 Summary to Proof
  
- HA/06/01 Proof of Evidence – Mr Barry Moore (Landscape)
- HA/06/02 Appendices to Proof of Evidence
- HA/06/03 Summary to Proof
  
- HA/07/01 Proof of Evidence – Mr Erwan Corfa (Air Quality and Climate Change)
- HA/07/02 Appendices to Proof of Evidence
- HA/07/03 Summary to Proof
  
- HA/08/01 Proof of Evidence – Mr Nick Steggall (Ecology and Nature Conservation)
- HA/08/02 Appendices to Proof of Evidence
- HA/08/03 Summary to Proof
  
- HA/09/01 Proof of Evidence – Mr Rob Hill (Noise and Vibration)
- HA/09/02 Appendices to Proof of Evidence
- HA/09/03 Summary to Proof
  
- HA/10/01 Proof of Evidence – Mr Ted Rogers (Agriculture)
- HA/10/02 Appendices to Proof of Evidence
- HA/10/03 Summary to Proof
  
- HA/11/01 Proof of Evidence – Mr Martin White (Planning)
- HA/11/02 Appendices to Proof of Evidence
- HA/11/03 Summary to Proof
  
- HA/12/01 Proof of Evidence – Ms Lucy Brooksbank (Road Drainage and Water Environment)
- HA/12/02 Appendices to Proof of Evidence
- HA/12/03 Summary to Proof
  
- HA/13/01 Proof of Evidence – Ms Vicki Score (Cultural Heritage)
- HA/13/02 Appendices to Proof of Evidence

- HA/13/03 Summary to Proof
- HA/14/01 Engineering Design and Construction Figures and Drawings  
*(includes drawings / figures that are referenced in both HA/02/01 (Construction by Gordon Gray) and HA/03/01 (Engineering and Design by Peter Kirk))*
- HA/15/01 A3 Environmental Figures and Drawings Appendix  
*(includes drawings / figures that are referenced in HA/05/01, HA/06/01, HA/07/01, HA/08/01, HA/09/01, HA/10/01, HA/11/01, HA/12/01 & HA/13/01)*
- HA/16/01 Line, Scheme, Side Road and Compulsory Purchase Orders Post Draft Order Publication Modifications Report
- HA/17/01 Not Used
- HA/18/01 Not Used
- HA/19/01 Not Used
- HA/20/01 Alternative Junction Report, Alternative 1
- HA/20/02 Alternative Junction Report, Alternative 3
- HA/20/03 Alternative Junction Report, Alternative 7
- HA/20/04 Alternative Junction Report, Alternative 8
- HA/20/05 Alternative Junction Report, Alternative 9
- HA/20/06 Alternative Junction Report, Alternative 10
- HA/20/07 Alternative Junction Layout & Movement Summaries *(Submitted at Inquiry)*
- HA/21/01 Alternative Bridleway Report, Options 1 and 2
- HA/21/02 Alternative Bridleway Report, Options 3 and 4
- HA/22/01 Future Junction Feasibility Report, Option 1
- HA/23/01 Response by the HA - Messrs M G, S M, J H and J M Grindal and the M G & S M Grindal Partnership
- HA/24/01 Response by the HA - Messrs A C and R C W Turney
- HA/25/01 Response by the HA - Messrs S, J R, J R and P Morris
- HA/26/01 Response by the HA - Mr R Deacon

#### **DOCUMENTS SUBMITTED BY THE HIGHWAYS AGENCY DURING THE INQUIRY**

- HA/27 Opening Statement on behalf of the Highways Agency
- HA/28 Compliance Folders (x4) (Not available to view on the web)
- HA/29 Amendment document to HA/15/01 (Figure G Areas Required During Construction)
- HA/30 Answers to questions asked by the Inspector
- HA/31 Extract of document " Public Rights of Way" – (GAEC8)
- HA/32 Alternative Bridleway costing's document (Revised extract)
- HA/33 Update to Proof of Evidence submitted by Mr Erwan Corfa
- HA/34 Note on Traffic Flows on Rugby Road
- HA/35 Email from Martin Banham to Ted Rogers dated 22.02.13
- HA/36 Note on Abnormal Loads
- HA/37 Information on Provision of Road Service Facilities in vicinity of the scheme
- HA/38/01 Line, Scheme, Side Road and Compulsory Purchase Orders Post Draft Order Publication Final Modifications and Revisions
- HA/39 Note on Traffic Survey Information provided to Mr Wilson (NSOBJ/16)
- HA/40 Alternative Unpaved Verge Cross-Sections Report
- HA/41 Update on Impact of the Swinford/Catthorpe Diversion on Air Quality at Sensitive Receptors along the A5 Watling Street

- HA/42 Site Notice Location Plan – Figure 1
- HA/43/01 Orders Modification Report Addendum Alternative Bridleway 1
- HA/44 How the scheme meets its public sector equality duty
- HA/45 Email from HA to Mr Bennett dated 14 March 2013, regarding Stonebank
- HA/46 Note on the Station Road Access
- HA/47 Closing Submissions by the Highways Agency
- HA/48 Aerial Photograph of the Swayfields Site
- HA/49 Schedule of Objections, Representations, Supporters, Counter Supporters, General comments

## **DOCUMENTS SUBMITTED BY OBJECTORS**

### **OBJ/002 – SWAYFIELDS (RUGBY) LTD**

- OBJ/002/1** Statement of Case – Swayfields (Rugby) Ltd

### **OBJ/003 – THE GRINDAL FAMILY (Represented by Mr Harrison of Burbage Realty)**

- OBJ/003/1** Proof of Evidence including appendices – The Grindal Family

### **OBJ/004 – MESSRS TURNEY (Represented by Mr Bennett of Fox Bennett)**

- OBJ/004/1** Statement of Case – Messrs Turney

## **DOCUMENTS SUBMITTED BY OBJECTORS DURING INQUIRY**

- OBJ/003/2** Photos submitted by The Grindal Family
- OBJ/003/3** Letter dated 13 March 2013 from Burbage Realty: Objections of the Grindal Family
- OBJ/008/1** Statement from Mr Stephen Morris
- OBJ/008/2** Correspondence and Email to confirm the Withdrawal of the objection by Mr Morris
- OBJ/004/2** Proof of Evidence on behalf of Messrs A C and R C W Turney
- OBJ/004/3** Letter from the HA to Mr Turney, dated 29 September 2005, *Re: A14 Link Road - Contract 1*
- NSOBJ/16/1** Statement from Mr Alan Wilson

**NSOBJ/** Letter from CPRE (Mr Sullivan) with attachments  
**22/1**

**INSPECTOR'S INQUIRY DOCUMENTS**

**INQ -1** Notes of Pre-Inquiry Meeting

**INQ-2** Plan and Route of the Accompanied Site Visit on Thursday 7 March 2013