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# 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: 28 June 2012

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## HIGHWAYS ACT 1980

### ACQUISITION OF LAND ACT 1981

THE M1 MOTORWAY (A5–M1 LINK DUNSTABLE NORTHERN BYPASS  
CONNECTING ROADS) SCHEME 20 ..

THE A5 TRUNK ROAD (A5–M1 LINK DUNSTABLE NORTHERN BYPASS)  
SIDE ROADS ORDER No. 1. 20 ..

THE A5 TRUNK ROAD (A5–M1 LINK DUNSTABLE NORTHERN BYPASS)  
SIDE ROADS ORDER No. 2. 20 ..

THE A5 TRUNK ROAD (A5–M1 LINK DUNSTABLE NORTHERN BYPASS)  
ORDER 20 ..

THE A5 TRUNK ROAD (A5–M1 LINK DUNSTABLE NORTHERN BYPASS)  
(DETRUNKING) ORDER 20 ..

THE A5 TRUNK ROAD (A5-M1 LINK DUNSTABLE NORTHERN BYPASS)  
COMPULSORY PURCHASE ORDER No 1 (HA No.....) 20 ..

THE A5 TRUNK ROAD (A5-M1 LINK DUNSTABLE NORTHERN BYPASS)  
COMPULSORY PURCHASE ORDER No 2 (HA No.....) 20 ..

### EXCHANGE LAND CERTIFICATE

Dates of Inquiries: 7 February 2012 to 2 March 2012

Ref: DPI/B0230/10/11

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## ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

AADT	Annual Average Daily Traffic
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
AR	Alternative Route
BCR	Benefit Cost Ratio
BMV	Best and Most Versatile
BOAT	Byway Open To All Traffic
CBC	Central Bedfordshire Council
CEMP	Construction Environmental Management Plan
CO	Counter-objector
CPO	Compulsory Purchase Order
CRS	Connecting Roads Scheme
CWS	County Wildlife Site
dB	Decibels
DD	Deposited Document
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
Doc	Document
ES	Environmental Statement
GM	General Motors UK Limited
ha	Hectares
HCC	Hertfordshire County Council
HGV	Heavy goods vehicle
HS2	High speed railway link
HSR	Hard shoulder running
km	Kilometres
kph	Kilometres per hour
LBC	Luton Borough Council
LDF	Local Development Framework
LNB	Luton Northern Bypass
LSMMMS	London to South Midlands Multi-Modal Study
m	Metres
mph	miles per hour
NMU	Non-motorised user
The Framework	The National Planning Policy Framework
NPV	Net present value
NSIPs	Nationally Significant Infrastructure Projects
PIM	Pre-inquiry meeting
PMA	Private means of access
PMS	Programme of Major Schemes
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
PRoW	Public Rights of Way
Obj	Objection
Rep	Representation
RSS	Regional Spatial Strategy
sqm	Square metres
SR	Spending Review
SRO	Side Roads Order
SSD	Stopping Sight Distance
SSSI	Site of Special Scientific Interest
Sup	Supporter
TPI	Targeted Programme of Improvements
vpd	Vehicles per day
WSC	Woodside Connection

## **CASE DETAILS**

### **The Connecting Road Scheme**

- For the draft Connecting Road Scheme the draft Order would be made under Sections 16, 17 and 19 of the Highways Act 1980 (DD16), and is known as the **M1 Motorway (A5-M1 Link Dunstable Northern Bypass Connecting Roads) Scheme 20..**
  - The Order was published on 9 December 2009.
  - The Order would authorise the new slip roads to be constructed, connecting the motorway with the proposed A5-M1 Link Road at Junction 11A.

**Summary of Recommendation: that the Scheme be approved as drafted.**

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### **The Side Roads Orders**

- The draft Side Roads Orders would be made under Sections 12, 14 and 125 of the Highways Act 1980, and are known as the **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order No 1 20..**, and the **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order No 2 20..**
  - The Orders were published on 9 December 2009.
  - The Orders would provide for roads, accesses and Public Rights of Way (PRoWs) adjoining or crossing the trunk road to be altered or diverted as necessary. They would also authorise the Secretary of State to provide new means of access and alterations to existing highways, footpaths and Private Means of Access (PMA) to premises as necessary.

**Summary of Recommendations: that the Orders be made with modifications.**

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

- The draft Trunk Road (Line) Order would be made under Sections 10 and 41 of the Highways Act 1980, and is known as the **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Order 20..**
  - The Order was published on 9 December 2009.
  - The Order would authorise the construction of a new section of trunk road or trunk road slip roads.

**Summary of Recommendation: that the Order be made as drafted.**

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### **The Detrunking Order**

- The draft Detrunking Order would be made under Section 10 of the Highways Act 1980, and is known as the **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) (Detrunking) Order 20..**
  - The Order was published on 9 December 2009.
  - The Order would provide that the lengths of the trunk road to be superseded by the new trunk road shall cease to be trunk road. They shall

be re-classified as classified roads, as from the date on which the new trunk road on the main route is open for traffic.

**Summary of Recommendation: that the Order be made as drafted.**

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### **The Compulsory Purchase Orders**

- The draft Compulsory Purchase Orders are made under Sections 239, 240 and 246 of the Highways Act 1980, as extended and supplemented by section 250 of that Act, and section 2 of the Acquisition of Land Act 1981. They are known as the **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 1 (HA No.....) 20..** , and the **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 2 (HA No.....) 20..** .
  - The Orders were published on 9 December 2009.
  - The Orders would authorise the compulsory acquisition of all the land needed to construct the new trunk road and associated junctions and for all necessary alterations to side roads as provided by the above mentioned Scheme and draft Side Roads Orders.

**Summary of Recommendations: that the Orders be made with modifications.**

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### **The Exchange Land Certificate**

- Notice of intention to issue a Certificate under Section 19(1)(b) of the Acquisition of Land Act 1981.
  - The Notice was published on 9 December 2009.
  - The Certificate allows for development to take place in a small area designated as Public Open Space without the need to provide Exchange land. The Certificate is required in connection with the draft **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 2 (HA No.....) 20..** . Within this draft Compulsory Purchase Order there are 3 areas of land which fall within an area designated as Public Open Space by Luton Borough Council. These areas amount to a total of 196sqm and are required for either a private means of access or for working space to construct the private means of access.

**Summary of Recommendation: that the Certificate under section 19(1)(b) of the Acquisition of Land Act 1981 be issued as drafted.**

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## **1 INTRODUCTION**

- 1.1 On 9 December 2009, the Secretary of State for Transport published a draft Connecting Roads Scheme (CRS) (Deposit Document (DD) 14); 2 draft Side Roads Orders (SRO No 1 & SRO No 2) (DD12 & DD13); a draft Line Order (DD10), and 2 draft Compulsory Purchase Orders (CPO No 1 & CPO No 2) (DD8 & DD9) for the provision of a new dual-carriageway to run from the existing A5 trunk road, north of the A505 roundabout, to a new junction on the M1 motorway south-east of Chalton. This is referred to as the proposed A5-M1 Link Dunstable Northern Bypass, or simply the A5-M1 Link. In addition the Secretary of State published a draft Detrunking Order (DD11) relating to that
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- length of existing A5 trunk road between the M1 Junction 9 and the proposed roundabout at the western end of the above road.
- 1.2 As part of the proposals, development needs to take place in a small area which is designated as Public Open Space. A Notice of Intention to issue a Certificate under Section 19(1)(b) of the Acquisition of Land Act 1981 has therefore been given by the Secretary of State for Communities and Local Government (DD15). Together, these 6 Orders, one Scheme and the Exchange Land Certificate define the "Published Scheme" (sometimes referred to as "the Scheme") which is the subject of this report.
- 1.3 On 9 December 2009, the Highways Agency also published an Environmental Statement (ES – DD1), under Section 105A of the Highways Act 1980, in relation to the proposed Scheme. I have taken account of this document, together with the objections and representations made, in arriving at my recommendations. All other environmental information submitted in connection with the Published Scheme, including that arising from questioning at the inquiries, has also been taken into account.
- 1.4 The inquiries into objections to the Scheme and Orders, originally scheduled for June 2010, were postponed pending the results of the 2010 Spending Review (SR) (DD187). This identified the A5-M1 Link (Dunstable Northern Bypass) for construction in a future spending review period. Subsequent to the SR announcement, the Secretary of State agreed that, subject to an appropriate agreement with developers in relation to a proposed £50m local contribution, the inquiries would be re-started as soon as possible with an estimated start of works on site in late 2014. Agreements to this effect are now signed and in place under Section 274 and 278 of the Highways Act 1980 (DD16) with Central Bedfordshire Council (CBC) (DD155) and a developer consortium (DD156) (see paras 3.33-3.34 of Document (Doc) HA/101/2).
- 1.5 A pre-inquiry meeting (PIM) was held to consider the practical and administrative arrangements for concurrent inquiries (hereafter referred to as "the Inquiry") to hear representations and objections made following the publication of the draft Orders and Scheme detailed above. The PIM was held on 13 December 2011 at the Superdrug Stores plc Distribution Centre, Prologis Park, Dunstable. My notes of the meeting, which were distributed to all parties who took part in the discussion, and those who had indicated an intention to give evidence at the inquiries, can be found at Doc INQ/5.
- 1.6 On 7 February 2012 I opened the Inquiry at the same venue as the PIM. It sat on 10 days and closed on 2 March 2012. I carried out unaccompanied site visits to the areas affected by the Scheme on 9 February 2012 and also undertook an inspection of the overall site of the Scheme and the surrounding area on 23 February 2012, accompanied by representatives of the Highways Agency and others who made representations to the Inquiry.

#### Purpose and Scale of the Proposals

- 1.7 The Published Scheme would be an all-purpose dual 2-lane carriageway with a total length of 4.6 km, constructed in a rural setting, north of the urban fringe of Dunstable and Houghton Regis. The Line Order (DD10) would establish the route of the new main road and the new slip road at the western end of the Scheme. The Connecting Road Scheme (DD14) would authorise the new slip roads to be constructed connecting the M1 motorway with the local road network at the proposed Junction 11A.

- 1.8 The Side Roads Orders (SRO No 1 & SRO No 2) (DD12 & DD13) would authorise the alteration and diversion of roads adjoining or crossing the new main road; the stopping up certain lengths of highway; the provision of new private means of access (PMA) and the stopping up of certain existing lengths of PMA. The Compulsory Purchase Orders (CPO No 1 & CPO No 2) (DD8 & DD9) would authorise the compulsory acquisition of the land and interests necessary to carry out the proposals in the CRS and SRO No 1 and SRO No 2.
- 1.9 A number of proposed modifications to the Draft SROs and Draft CPOs were put forward by the Highways Agency, to address drafting errors and to respond to matters raised by some objectors and those making representations. These modifications are described in detail in Doc HA/0/32 and are summarised later in this report (see paras 3.94 to 3.110).

Alternative Routes

- 1.10 In giving notice of the Inquiry in March 2010 the Secretary of State for Transport directed that any person intending to submit to the Inquiry that any highway or proposed highway to which the draft Orders related should follow an alternative route, or that instead of improving, diverting or altering a highway to which the draft Orders related a new highway should be constructed on a particular route, should provide details of those alternatives by 2 April 2010. In response to that direction, 10 Alternative Routes (AR1 to AR10) were proposed. The lines of the alternative routes which were assessed by the Highways Agency are shown in Appendix E of Doc HA/101/3.
- 1.11 These Alternative Routes were publicly advertised on 19 and 20 May 2010 and received 59 expressions of support from 56 separate supporters, and a total of 36 counter-objections from 16 separate counter-objectors. Upon the re-commencement of the inquiry process a further request for alternative routes to be submitted was made, with a deadline of 12 October 2011. No additional alternatives were submitted but AR4 and AR9 were subsequently withdrawn by their promoters. A summary is shown in the table below, and further details are given in Docs HA/0/1-9 and HA/0/15 & 15A, HA/0/20, HA/0/22, HA/0/26 and HA/0/30, as well as later in this report.

	AR1	AR2	AR3	AR4	AR5	AR6	AR7	AR8	AR9	AR10
Supporters	0	1	52	Withdrawn	2	2	1	0	Withdrawn	1
Counter-objectors	10	9	7		2	1	3	1		3

Numbers of Objectors, Supporters and those making Representations

- 1.12 At the opening of the Inquiry there were 41 objections and 6 representations outstanding to the CPOs and the other associated Orders and Scheme. In addition, 14 parties had written in support of the Scheme. An e-petition to the Number 10 website was also put forward by the Dunstable Area Focus Group in March 2010, urging that the Scheme should go ahead. Prior to its deadline the petition had been signed by 604 people. During the course of the Inquiry discussions and negotiations continued between the Highways Agency and other parties, such that by the time the Inquiry was closed 32 objections and 5

representations were remaining, the others having been withdrawn (see Docs HA/0/10, HA/0/23 and HA/0/35 and Appendix 3).

- 1.13 At the Inquiry 5 objectors presented evidence against the Published Scheme, one person made representations and one counter-objector gave evidence against one of the alternative routes put forward by objectors. In addition 3 people gave evidence in support of the Scheme. One of these (Cllr Nigel Young) spoke on behalf of CBC which had been categorised as making representations (Rep 14), not a supporter. All representations from CBC were formally withdrawn before the commencement of the Inquiry but Cllr Young indicated that he wished to speak in support of the Scheme in his capacity as the Council's Deputy Executive Member for Sustainable Communities - Strategic Planning and Economic Development. I allowed him to do so.

Main Grounds for Objection

- 1.14 Objections raised by one or more party relate to:
- the principle of the Scheme and alternative routes;
  - local access to proposed Junction 11A and traffic through existing villages;
  - whether the Scheme would produce sufficient traffic flow reductions on existing roads or overload the M1;
  - effects on Non-Motorised Users (NMUs);
  - environmental impacts such as lighting, noise and air quality; and
  - impacts on individual plots of land and access arrangements.

Statutory Formalities

- 1.15 The Highways Agency confirmed that all necessary statutory formalities in connection with the promotion of the Orders have been complied with. Details can be found at Doc HA/0/14.

Procedural Submissions

- 1.16 At his Inquiry appearance on 21 February 2012 Mr Sullivan (Objector (Obj 30) submitted and spoke to a Further Statement in which he maintained that the Inquiry had not been conducted validly in respect of his objection. He maintained that the rules of natural justice had not been followed; that there had been misrepresentations about what happened at the 2010 Public Inquiry into the Orders for M1 Junctions 11 and 12; and that the Highways Agency had falsely stated that Directions to submit alternatives under the powers of the Highways Act were issued. Full details of these points are given in (Doc MAS/3/OBJ30). This was formally responded to by the Highways Agency in Doc HA/0/27, with Mr Sullivan making a final response in Doc MAS/4/OBJ30. I return to this matter later in this report.

The National Planning Policy Framework

- 1.17 The National Planning Policy Framework ("the Framework"), which replaces the previous suite of Planning Policy Guidance and Planning Policy Statements relevant to this Scheme, was published on 27 March 2012. As the Secretaries of State will need to make their decisions on the matters before this Inquiry in the light of current planning guidance it was decided that even though the Inquiry had closed it would be appropriate to allow all parties to indicate how, if at all, their cases were affected by the publication of the Framework.



Exceptionally, a short consultation on this matter was therefore undertaken after the close of the Inquiry, and the Highways Agency and a few other parties took the opportunity to clarify their position in the light of the Framework. These points are included in the cases of the parties which are set out later in this report, and I have had regard to them in reaching my recommendations.

Scope of this Report

- 1.18 This report contains a brief description of the site 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 therefore also takes account of the evidence as given, together with points brought out in cross-examination.

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

- 2.1 The A5 is a trunk road that, in the Dunstable area, follows the route of the old Roman Road, Watling Street. It runs more or less parallel to the M1 between Junction 9 and Milton Keynes, as can be seen in the Location Plan to be found within Appendix C of Doc HA/101/3. Junction 9 was improved in 2008 as part of the M1 Junction 6A to Junction 10 Widening scheme, which upgraded that section of the motorway to 4-lanes with hard shoulders.
- 2.2 To the north of Junction 9, the A5 passes the communities of Markyate, Dunstable, Hockliffe and Little Brickhill before reaching Milton Keynes, where there are cross-connecting roads to the M1 motorway at Junctions 13 and 14 to the north. This length of the A5 is about 21 miles (34km) and is single-carriageway to the south of the Little Brickhill bypass and dual-carriageway to the north. Along the single-carriageway lengths there is ribbon development including residential, leisure and commercial activities. Junctions with the A5 are at-grade and the carriageway is locally widened so that turning vehicles are stored separately from the through movements.
- 2.3 Within Dunstable, the A5 follows the High Street through the built-up urban area, where a 30mph speed limit applies, and intersects the A505/B489 east/west route at a signal controlled crossroads junction in the centre of the town. The A505 route through Dunstable has 3 distinct sections. To the east of the A5, it passes through the urban area of Dunstable to provide access to the M1 at Junction 11 and continues on to Luton, beyond the motorway. The central 3km length follows the A5 through Dunstable, along the High Street, and terminates at the A5/A505 roundabout in the rural area to the north of the town. To the west of the A5, the A505 is a higher standard single-carriageway, with edge markings. It provides a link to Leighton Buzzard, Linslade, Aylesbury and other communities in Buckinghamshire to the west.
- 2.4 The A5065, Hatters Way, is a relief road which runs parallel to and to the south of the A505 on the eastern side of the A5. It bypasses Junction 11 by means of a bridge over the M1. The A5120 single-carriageway road runs between Dunstable and the M1 at Junction 12 to the north, passing through the urban area of Houghton Regis and the community at Toddington. Thorn Road lies to the north of the A5/A505 roundabout and provides a link between the A5 and the A5120. It is unclassified, but carries strategic trips between east and west that are avoiding Dunstable's High Street.

- 2.5 Further details of the site and surrounding area can be found in the Environmental Statement (ES) (DD1) and the various Highways Agency proofs of evidence (HA/101/1 to HA/111/3).

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

The material points are:

#### **Background**

- 3.1 The national transport policies under which the A5-M1 Link scheme has been progressed are set out in a number of documents published in recent years. These include the July 1998 White Paper "A New Deal for Transport: Better for Everyone" (DD20) and its daughter document entitled "A New Deal for Trunk Roads in England" (DD21). This latter document established the Targeted Programme of Improvements (TPI), and remitted other schemes for further consideration through a series of Multi-Modal Studies. These Study recommendations and Ministers' responses helped to inform the development of Regional Transport Strategies as part of the regional planning process.
- 3.2 One of these studies, the London to South Midlands Multi-Modal Study (LSMMMS) (DD103), recommended in February 2003 that a scheme to widen the M1 motorway between Junctions 10 and 13, and an associated scheme to provide an A5-M1 Link Road (Dunstable Northern Bypass) be taken forward. In July 2003 the Secretary of State for Transport confirmed that these 2 schemes were to be added to the Highways Agency's TPI.
- 3.3 This was followed by a "Review of Highways Agency's Major Roads Programme" published in March 2007 (DD23), as a result of which the TPI was replaced by the Programme of Major Schemes (PMS). The widening of the M1 between Junctions 10 and 13 and the associated scheme to provide an A5-M1 Link Road (Dunstable Northern Bypass) were both included in the PMS.
- 3.4 Both schemes were included in the East of England Plan, the Regional Spatial Strategy (RSS) for the area (DD73). In 2010 the Government announced its intention to abolish RSSs through the Localism Bill, but the policies contained within this RSS and the Milton Keynes and South Midlands Sub-Regional Strategy (DD74) remain extant at the time of writing this report. Following this announcement the A5-M1 Link was postponed, along with other Highways Agency Major Projects, pending the outcome of the SR (DD187).
- 3.5 As part of this SR the Government looked to identify those schemes that offered the best investment, with all major road schemes on the strategic road network being assessed against 4 broad criteria: public value for money; strategic value; deliverability; and non-monetised impacts. In October 2010, the Department for Transport (DfT) published its paper "Investment in Highways Transport Schemes" (DD159) in which it announced, amongst other matters, that 14 schemes were identified for construction in future spending review periods, including the A5-M1 Link.
- 3.6 At the time the previous Public Inquiry was postponed, CBC and one of the developers seeking to develop land to the north of Houghton Regis (Lands Improvement Holdings), offered a total contribution of £50 million (£5 million from CBC from their Growth Area Funding and £45 million from the developer) towards scheme costs. However, the Secretary of State decided it would not be appropriate to go ahead with the Public Inquiry at that time, even with this promise of additional funding.

- 3.7 But subsequent to the SR announcement, the Secretary of State indicated that subject to an appropriate legal agreement with CBC and the developer the statutory process for the Scheme would be re-started as soon as possible, with an estimated start of works on site in late 2014. Such agreements are now signed and in place under Section 274 and 278 of the Highways Act 1980 (see Docs DD155 and DD156).

### **Need for the Scheme<sup>1</sup>**

- 3.8 Many of the existing characteristics of the A5 in the Dunstable area do not meet current design standards. Furthermore, it is a heavily trafficked route, particularly where it passes through the urban area of Dunstable, and along this stretch capacity and speeds are severely constrained by the traffic signal junction at the intersection of the A5 with A505/B489 and by numerous pedestrian signals. Delays also arise at the A5120 traffic signal controlled junction and further delays are caused by stopping buses, on-street parking, multiple accesses, and the presence of loading vehicles. These factors result in unreliable journey times, environmental concerns and poor road safety. In this latter regard, accident rates for the A5 along Dunstable High Street are significantly higher than the average rate for an older urban-standard 2-lane road (Doc HA/102/2).
- 3.9 Through Dunstable the A5 carries an Annual Average Daily Traffic (AADT) flow of 21,200 vehicles between its junctions with the A505/B489 crossroads and the A5012 (2005 base model). Of this flow, 9% are heavy goods vehicles (HGVs). The forecast AADT flow on this section of the A5 in 2016, after the opening of the M1 Junction 10 to 13 Improvement Scheme in 2013, but without the Published Scheme is 18,100 vehicles, again with 9% being HGVs. The A505 between Poynters Road and M1 Junction 11 carries an AADT flow of 31,700 vehicles (2005 base model), of which 11% are HGVs. The forecast AADT on this section of the A505 in 2016, after the opening of the M1 Junction 10 to 13 Improvement Scheme in 2013, but without the Published Scheme is 33,800 vehicles of which 5% would be HGVs.
- 3.10 After 2014, traffic flows on Dunstable High Street would continue to grow and this would result in adverse environmental effects, including increased pollution from standing vehicles, and would also exacerbate driver stress. Increased pollution would also impact on the existing Dunstable Air Quality Management Area (AQMA) which includes elements of the High Street and the A505 (from the A5 toward Junction 11).
- 3.11 There is no existing road which runs along the whole corridor considered for the Published Scheme, and consequently there is no west/east route available for strategic traffic to move between the A5 and the M1 through the study corridor. All existing traffic that needs to access the M1, or leave the M1 to access the local trunk road network for through journeys, has to use local roads (existing A5, A505, A5120 and B579). Many of these journeys pass through Dunstable or Luton town centres, with the resultant congestion and associated environmental issues described above.

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<sup>1</sup> Doc HA/101/2, paras 4.3-4.13

### **Scheme development, objectives and alternatives considered<sup>2</sup>**

- 3.12 An A5-M1 Link has, in the past, been promoted by Bedfordshire County Council as part of the A5-M1-A6 northern bypass of Luton and has subsequently been integrated into the Bedfordshire Structure Plan 2011 (adopted March 1997) (DD75). A range of corridor options for the A5-M1 Link were under consideration and put forward for public consultation in September 2005. Details can be found in the Public Consultation Report (DD108). These included a strategic route direct from the A5 to the M1 with no local connections, local connections at Junction 11A and provision of local access at the A5120. Full details can be found in the ES at Chapter 3 (DD1). Following public consultation, a Preferred Route was announced in February 2007 (DD7). This showed no local connections at Junction 11A but a local connection would be made available via a junction with the A5120.
- 3.13 In addition the Scheme is identified in the Milton Keynes South Midlands Sub-Regional Strategy (DD74) as one of the key schemes to implement as part of the sub-regional strategy in order to achieve the long-term vision of sustainable communities. The Luton/Dunstable/Houghton Regis area is identified in this document as a major development area for housing growth.
- 3.14 Whilst the preliminary design and environmental assessment of the A5-M1 Link was being undertaken the local planning authorities were consulting on the draft Local Development Framework (LDF). Because of this the decision was taken by DfT to present a scheme in the draft Orders with a design for M1 Junction 11A which would be capable of easy modification to facilitate the preferred routes for the proposed LNB and the proposed WSC. These are both local road schemes and the Highways Agency considers that the form and alignment of any local connections to M1 Junction 11A should be promoted by the local highway authorities. This would ensure that any such connections would be in an optimum position to serve existing communities, would meet the requirements of future development and would be constructed at a time that best suits planned usage and available funding.
- 3.15 It is of note that in recent years schemes have been approved to improve the capacity of the existing M1 motorway between Junctions 10 and 13 as part of a separate scheme involving "Hard Shoulder Running" (HSR), and to undertake improvements to M1 Junctions 11 and 12. The HSR Scheme between Junctions 10 and 13 is currently being carried out within existing highway land, and work is also currently underway on the improvements to Junctions 11 and 12, scheduled for completion in 2013. This latter improvement follows a Public Inquiry held in June 2010, to consider various objections to the proposals.
- 3.16 At its western end the proposed A5-M1 Link would connect to the existing A5 at an at-grade roundabout located to the east of the existing road, and some 1.8km to the east of the A5 it would connect to the A5120 by means of an at-grade roundabout to be constructed to the west of this existing road. Further to the east it would connect to the M1 motorway at a new grade separated dumb-bell junction.
- 3.17 For local traffic, Thorn Road would connect to the proposed A5 roundabout at the western end. At the eastern end local traffic would be served by Sundon Road and Luton Road which would be diverted and re-connected to one another

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<sup>2</sup> Doc HA/101/2, paras 5.8-5.40

by means of 2 new roundabouts and a new bridge over the motorway. No direct connection is proposed between the A5-M1 Link and these local roads. The existing B579 Luton Road motorway overbridge and that serving the Sundon Road would both be demolished. Other demolition would comprise Chalton Cross Lodge and 4 cottages located on Luton Road.

- 3.18 To address the fact that the Published Scheme would impact on 14 Public Rights of Way (PRoW), including footpaths, bridleways and a byway open to all traffic (BOAT), 4 overbridges are proposed. These would serve NMUs such as pedestrians, cyclists and equestrians, with 2 of the bridges also providing for vehicular farm access. In addition, a signalised pedestrian/cyclist/equestrian (Pegasus) crossing would be provided on the Toddington (northern) arm of the roundabout proposed for the A5120. This would provide continuity between Bridleway 15 and Bridleway 46.
- 3.19 The Published Scheme would also include earth bunds to provide visual screening and noise barriers; the provision of noise fences and a low-noise surface to the new road; landscaping of earthworks and planting of trees and hedgerows; mitigation for protected species, including badgers and bats; creation of new areas of habitat to replace those lost to the Scheme; mitigation for cultural heritage in the form of further archaeological surveys and investigation works; and the inclusion of pollution control and water treatment features. Fuller details of all the above points can be found in paragraphs 5.23-5.37 of Doc HA/101/2.
- 3.20 In summary the Scheme would provide a value for money link to the M1 which (i) is an alternative to the existing A5 and A505 routes through Dunstable town centre; (ii) reduces accidents; (iii) provides lower journey times and better journey time reliability; (iv) contributes to the reduction of strategic traffic movements to and from the M1 through Dunstable; (v) takes into account the improvements currently under construction on the M1 (Hard Shoulder Running and improvements at Junctions 11 and 12); and (vi) has been designed to enable the connection into Junction 11A at a later date of the WSC and the LNB which are local authority schemes in the early stages of preparation. Notwithstanding the nature of many of the objections, it is not an objective of the Scheme to increase local access to the M1.
- 3.21 The Highways Agency considers that the Published Scheme provides the most appropriate solution for satisfying the objectives summarised above and that the benefits associated with it would far outweigh any disbenefits.

### **Traffic assessment scenarios<sup>3</sup>**

- 3.22 The traffic assessment of the Scheme has included a number of alternative scenarios, to allow for the possibility of different development options for the future, as detailed below:
- The **Scheme Design Scenario** takes into account planned local development including north of Houghton Regis and around Luton. This scenario was used for scheme development, junction design and environmental assessment.

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<sup>3</sup> Docs HA/105/2 paras 7.17-7.99 & Doc HA/111/2, paras 3.6-3.10

- For economic assessment, the **Core Scenario** was used, which freezes local development at planned 2011 levels and does not include developments which may be dependent on the A5-M1 Link.
- The **Lowest Benefits Scenario** was used to test the robustness of the economic assessment by making lower assumptions about trip generation and other parameters.
- The **Houghton Regis Development (HRD) Scenario** included development north of Houghton Regis and the WSC, but not the LNB, for the purpose of undertaking a sensitivity test of the Junction 11A design with the WSC connected to the western dumb-bell roundabout.
- The **Full Development Scenario** took into account the WSC and the LNB and emerging development, to verify that Junction 11A is capable of modification to allow connection with those schemes.

3.23 The results of this range of assessments have given confidence that the Scheme is robust and future-proof and would be well able to meet its objectives.

#### **Traffic benefits of the Scheme<sup>4</sup>**

- 3.24 Under the Scheme Design Scenario, the proposed A5-M1 Link is predicted to carry peak-hour 2-way flows of 2,880 to 3,300 vehicles per hour in the opening year (2016), rising to 3,180 to 3,430 vehicles per hour in 2031. As well as providing an alternative route for traffic to and from the M1 which currently has to pass through Dunstable, the Scheme would clearly result in traffic reductions on existing roads. Again under the Scheme Design Scenario, flows are predicted to reduce on Dunstable High Street (northern length) by about 25% in the morning peak, 22% in the inter-peak and 7% in the pm peak. In addition there would be about a 16% decrease in flows on north/south local roads in Dunstable which run parallel to the High Street.
- 3.25 Flows on the A5 south of Dunstable would be reduced by about 4% in the morning peak, about 11% in the inter-peak, and by about 12% in the PM peak. Turning to the A505 between Dunstable and M1 Junction 11 within Luton, flows would be reduced by about 17% in the morning peak, 10% in the inter-peak and 7% in the evening peak. HGV flows on Dunstable High Street are predicted to be reduced by 20% on weekdays.
- 3.26 In addition substantial reductions are predicted in some villages. Flows on the A5120 through Toddington would be reduced by about 18% in the morning peak, about 27% in the inter-peak, and 19% in the evening peak. Tebworth is predicted to experience decreases in flow on the Hockliffe Road of 77% in both morning and evening peaks, and 62% in the inter-peak; whilst on The Green in Houghton Regis, flows would be reduced by 26% in the morning peak, 22% in the inter-peak and 27% in the evening peak.
- 3.27 Flows on the M1 between Junction 11A and Junction 12 would also be reduced by the Scheme, by some 5% in the morning peak, about 7% in the inter-peak and some 7% in the evening peak. Unsurprisingly, the Published Scheme would lead to increases in flows on the M1 to the south of the proposed Junction 11A (between Junction 11 and Junction 11A) of some 17% in the morning peak and 13% in both the inter-peak and evening peak periods. However, the capacity

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<sup>4</sup> Doc HA/105/2, paras 7.44-7.61 & Doc HA/105/3, figs G-1 to G-8

improvements already underway on this stretch of the M1 have been designed to cater for such increases. Indeed the A5-M1 Link is dependent upon these M1 Junction 10 to Junction 13 Improvements, which are expected to be completed in 2013.

- 3.28 Flows on some local roads would increase. On the A505, west of the A5, traffic levels would rise by about 19% in the morning peak, 14% in the inter-peak and 17% in the evening peak. However, such increases would be as a result of trips being attracted to the improved east/west corridor which, in turn, would result in flow reductions on the lower standard local roads, such as through Stanbridge and Tilsforth.
- 3.29 Traffic flows in Chalton are also predicted to increase under the Scheme Design Scenario, by about 12% in 2016, rising to 18% in 2031. However, such increases are not predicted to occur if local development is disregarded (the Core Scenario), or in scenarios which include local development together with the WSC, or the WSC and the LNB (the HRD Development Scenario and the Full Development Scenario respectively).
- 3.30 In addition to the traffic flow changes detailed above, the Published Scheme is predicted to result in journey time savings in the opening year of 2016 of more than 4 minutes for westbound trips and more than 6 minutes for eastbound trips (Tables I.1 and I.2 in Appendix I within Doc HA/105/3).

#### **Opportunities which would be brought about by the Scheme<sup>5</sup>**

- 3.31 In addition to the benefits referred to above, the Scheme would allow the A5 through Dunstable to be detrunked from M1 Junction 9 to the Scheme's western roundabout. This would provide the opportunity for the local highway authorities (CBC and Hertfordshire County Council (HCC)) to introduce traffic management measures which would further reduce traffic flows in Dunstable High Street and would improve the environment for retail, leisure and other town centre activities.
- 3.32 The provision of the Scheme, and in particular the proposed M1 Junction 11A, would allow the WSC (or other suitable scheme) to be brought forward by CBC at a timetable consistent with local development in the area north of Houghton Regis. The same opportunity would arise for the LNB. As a result the Scheme would bring about a large package of transport benefits with little disbenefit, especially if these local road schemes are brought forward on a timetable consistent with local development.
- 3.33 In practical terms, none of the above is likely to be possible without a Junction 11A and the Published Scheme provides the quickest and most certain way of providing that junction.

#### **Policy Considerations<sup>6</sup>**

***INSPECTOR'S NOTE:** The first part of this section records the Highways Agency's case as presented to the Inquiry, with the final part setting out its current position, taking on board the publication of the National Planning Policy Framework.*

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<sup>5</sup> Doc HA/102/2, para 9.9

<sup>6</sup> Doc HA/111/2

- 3.34 The Environmental Impact Assessment of the Scheme, as reported in the ES (DD1) includes an assessment of the Scheme's conformity with policies and plans. It takes into consideration planning policy at all levels, as set out in national planning policy statements and guidance notes extant at the time of preparation, regional and sub-regional guidance, and saved structure and local plans. It covers transportation, sustainability, land use and environmental protection matters and these are summarised later in this section.
- 3.35 However, the planning system is subject to uncertainty at present, for a number of reasons. Firstly, the Government has announced its intention to abolish Regional Spatial Strategies (RSSs) and has taken power in primary legislation to do so, although that power has not yet been exercised. Secondly, existing national guidance in the form of Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) is due to shortly be replaced by the National Planning Policy Framework ("the Framework"), which is scheduled to be published after the close of the Inquiry. However, progress on the Framework does not change the thrust of the information provided through the Highways Agency's evidence, or alter the conclusions of the Highways Agency's case.

*Transport and Sustainable Development*

- 3.36 The Scheme has been assessed against the objectives set out in Planning Policy Guidance 13 (PPG13): "Transport" (DD81), which deal with the integration of planning and transport and the promotion of more sustainable transport choices. Strong support for the Scheme in this regard is provided in regional and local policies and strategies as set out in the East of England Plan (DD73), the Milton Keynes and South Midlands Sub-Regional Strategy (DD74), relevant Local Transport Plans (DD78, DD177, DD190), and the South Bedfordshire Local Plan Review (DD129). Luton/Dunstable is recognised as a Regional Transport Node and the failure to build the A5-M1 Link could compromise the satisfactory delivery of elements of the regional and sub-regional growth strategy.
- 3.37 The Government's updated sustainable development strategy is contained within "Securing the Future: Delivering the UK Sustainable Development Strategy" (DD79) and within PPS1 "Delivering Sustainable Development" (DD80) in particular. Regional and local policy is based upon national policy, the recurring theme of which is sustainable development.
- 3.38 At a local level support for the Scheme is given in the Bedfordshire Local Transport Plan 2006/07–2010/11 (DD190); the Luton, Dunstable and Houghton Regis Local Transport Plan 2 2006–2011 (DD78); the Luton Local Transport Plan 3 2011–2026 (DD177); and the South Bedfordshire Local Plan Review (DD129). Further details of these can be found in Doc HA/111/2.
- 3.39 The Scheme would increase accessibility by road, thereby enabling journey times to decrease. It would reduce congestion, improve safety and facilitate business efficiencies. These improvements would be conducive to economic growth and enable housing development in the vicinity of the A5-M1 corridor. In summary, the Scheme accords with sustainable development policy, although it is recognised it would not reduce dependency upon the car.

*Land Use and Environmental Protection*

- 3.40 Land use and environmental protection matters cover such topics as Green Belt, land in agricultural use, cultural heritage, nature conservation, waste, noise, water resources and air quality.



- 3.41 The Scheme falls within the South Area, Central Bedfordshire Green Belt, and PPG2 "Green Belts" (DD67), extant at the time the Published Scheme was developed, has therefore been taken into consideration. This sets out a general presumption against inappropriate development in the Green Belt, with new roads falling into this category. This is carried forward in the Framework, published shortly after the close of the Inquiry. It is considered that there are very special circumstances in this case which justify such development.
- 3.42 Firstly, the new road would facilitate important transport benefits. As already noted, there is a clear need for the Scheme to be constructed to relieve congestion within Dunstable in order to improve currently unreliable journey times on the A5, particularly long distance traffic going to or coming from the M1. It would also allow environmental improvements to be undertaken within the town centre, particularly in terms of safety and air quality. Secondly, it would enable the Government's growth agenda to be progressed. The fact that the Scheme forms part of the spatial growth strategy set out in The East of England Plan, has already been noted above. This development plan has been through public consultation, public inquiry and formal adoption processes, which indicates that the principle of the Scheme has been adequately examined within the context of policies to protect the Green Belt.
- 3.43 Moreover, LBC and CBC previously outlined within their consultation paper on Core Strategy Preferred Options (DD134) a number of major, spatial development principles, which the Scheme would support. Although this Core Strategy has been withdrawn it is likely that the local planning authorities will continue to promote development within these areas. If the Scheme is not built, the regional and sub regional growth strategy would be compromised. The growth strategy is defined in development plans which have the backing of statute and reflect the public interest.
- 3.44 In summary the Scheme would not conflict with nor materially compromise the 5 purposes of the Green Belt nor prevent the fulfilment of Green Belt objectives, as set out formerly in PPG2 and now generally carried forward within the Framework. The need for the Scheme to alleviate congestion and to facilitate the Government's growth agenda is judged to constitute the very special circumstances required to substantiate the Scheme. Without the Scheme the growth strategy would be put at risk.
- 3.45 It is recognised that the Scheme would result in the loss of about 65 hectares (ha) of best and most versatile (BMV) agricultural land. This must be taken into account according to planning policy in PPS7 (DD68), a theme which is echoed at a regional and local level.
- 3.46 A number of environmental protection issues are taken into account in the Environmental Impact Assessment and considered in more detail in Doc HA/111/2. The Scheme would have no direct impacts upon statutory international, national or local designated sites. No sites of Special Scientific Interest (SSSI) would be directly or indirectly affected. There would be no effects upon the Chilterns Area of Outstanding Natural Beauty (AONB). Nor would there be any landtake from County Wildlife Sites (CWS) in the vicinity.
- 3.47 For cultural heritage, ecology and nature conservation there may be slight adverse effects upon non-designated sites and resources, and some potential for conflict with PPS5 "Planning for the Historic Environment" (DD34). However, appropriate mitigation has been identified to reduce these effects as far as

possible. Some conflict with planning policy may also arise with regard to impacts on pedestrians, cyclists, equestrians and the community in general. However, these impacts would also be satisfactorily addressed by the mitigation measures proposed. Finally, no potential planning policy conflicts have been identified with regard to matters of waste, noise and vibration, the water environment and air quality.

- 3.48 Overall, any limited conflict with planning policy has to be balanced against the demonstrated need for the Scheme and the fact that appropriate mitigation measures would reduce the identified adverse effects as far as possible. The likely impacts of the Scheme and details of the mitigation measures proposed are given in the following sections, from paragraph 3.56 onwards.

*Impact of the publication of the Framework on the Highways Agency's case*  
*(numbers in brackets in this section refer to paragraphs in the Framework)*

- 3.49 The Framework has now replaced all existing PPGs and PPSs relevant to this Scheme, but it does not seek to amend some key aspects of well established strategic planning policy. Development is still to be focused on urban and previously developed land and policies still remain for the protection of Green Belts and a variety of countryside and heritage assets. The Framework seeks to simplify the policy context and enables the Government to stress the need for high quality design; for local planning authorities to support development in sustainable locations; and for proposals that foster economic growth.
- 3.50 The Framework reinforces the need for a strong economy, which not only requires the planning system to support business but also to identify priority areas for infrastructure provision. That said, the Framework does not contain specific policies for Nationally Significant Infrastructure Projects (NSIPs) as defined in the 2008 Planning Act. The A5-M1 Link would have been one such project (for which particular considerations apply) if the Draft Orders or equivalent had been published later than 1 March 2010.
- 3.51 The Framework is pro-growth with a strong focus on sustainable development which includes such matters as the improvement of people's travel conditions (para 9). Delivery of infrastructure is seen as a key component of sustainable economic development (para 17) and solutions that reduce greenhouse gas emissions and reduce congestion are also encouraged (para 30). The Framework's emphasis on supporting sustainable economic development and economic growth, through the planning system (para 19), is seen as lending weight to the case for the A5-M1 Link. This Scheme underpins the Local Development Plan being written at this time, with the associated sustainable development planned for north of Houghton Regis and Dunstable.
- 3.52 In relation to Green Belt, the Framework states that *"certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These are (third bullet point): "local transport infrastructure, which can demonstrate a requirement for a Green Belt location"* (para 90). This point is particularly relevant to the A5-M1 Link which would be located within the Green Belt to the north of Houghton Regis and Dunstable. The arguments relating to "very special circumstances", detailed above, remain relevant to assessing the Scheme's compatibility with Green Belt objectives.
- 3.53 It is noted that Circular 02/07 "Planning and the Strategic Road Network" (referred to in Doc HA/RB/OBJ31/1) is not one of the documents replaced by

the Framework. This means that the position adopted by the Highways Agency in relation to connections to the proposed Junction 11A from local roads is unchanged at this time, unless there is conflict with the policies of the Framework, which would take precedence. For the reasons explained above, the Highways Agency believes that there is no such conflict.

- 3.54 Finally, it is the case that relevant policies within Local Plans adopted prior to March 2004 will be afforded weight in the decision-making processes according to their degree of consistency with the Framework (paras 214 & 215). South Bedfordshire Local Plan Review (which covers the area of the A5-M1 Link which is now within the jurisdiction of Central Bedfordshire Council) was adopted in January 2004. With regard to the Published Scheme, this Local Plan is generally consistent with the Framework and accordingly due weight should continue to be afforded to the relevant policies.
- 3.55 For all the above reasons the conclusions reached in the Highways Agency's evidence remains unchanged in the light of publication of the Framework.

### **Impacts on the Environment**

#### Landscape<sup>7</sup>

- 3.56 The Scheme would run through an open landscape of gently undulating mainly arable fields with some pasture and closely trimmed hedges with relatively little tree and shrub cover. The route has been carefully selected to fit in with the landform, in order to help to reduce the environmental effect of the Scheme. It would avoid the substantial block of semi-natural tree and shrub cover along the Ouzel Brook, east of Grove Farm, which is an important block of vegetation in an otherwise predominantly open agricultural landscape. This is particularly apparent in views from the east looking west along the route.
- 3.57 As well as being an important local landscape feature the Ouzel Brook vegetation is a valuable ecological resource which plays an essential role in the Scheme's ecological mitigation package, by providing a reservoir of species and a corridor which would be extended, enhanced and integrated into the design of the Scheme. The landscape mitigation proposals consist of linear belts of trees and shrubs, woodland planting, species rich grassland and shrub planting. Their aims are to minimise the effects of the Scheme by integrating it into the landscape, to minimise the Scheme's visual impact and to replace landscape elements which would be lost to the Scheme.
- 3.58 The majority of residential, recreational and road receptors would experience no impact or only experience a slight adverse impact at design year, due to the screening of the carriageway, roundabouts, structures and lighting etc as mitigation planting would have started to mature.

#### Noise and Vibration<sup>8</sup>

- 3.59 Construction noise levels have been calculated at 23 representative receptors along the Scheme alignment. Predictions have been carried out based on the methodology given in BS 5228: 2009 "Control of noise on construction and open sites" (DD57 & DD58). Resultant construction noise levels are generally predicted to be below the appropriate Threshold Value, as defined in BS5228,

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<sup>7</sup> Doc HA/103/2

<sup>8</sup> Doc HA/106/2

except at a small number of receptors close to the proposed Junction 11A, but overall, the significance of construction noise is rated as minor adverse.

- 3.60 The likely operational noise and vibration impacts arising from the Scheme, and all roads that are predicted to experience a significant change in traffic flow as a result of the Scheme opening have been assessed using the methodology in the Design Manual for Roads and Bridges (DMRB) (DD51). Traffic noise levels have been calculated at all properties within 600m of the Scheme, and all other affected routes within 1km of the Scheme, for 5 different scenarios, according to the requirements of DMRB.
- 3.61 The calculated noise levels indicate that no properties are likely to qualify for treatment under the Noise Insulation Regulations due to increases in noise levels as a result of the Scheme (DD53 & DD54). Moderate noise increases (greater than 5 dB(A)) are, however, predicted in the long term along the Scheme, although increases are generally predicted to be minor insofar as the main residential areas are concerned.
- 3.62 Noise decreases of more than 3 dB(A) are predicted in the region close to the M1, due to the assumption of a low-noise surface to the motorway for 2031. Decreased traffic levels are predicted to lead to noise decreases of more than 3 dB(A) through Wingfield. No residential property along the Scheme would experience a noise increase of 10 dB(A) or more but a number of isolated properties close to the Scheme would experience significant changes in noise levels on Scheme opening. Overall the Scheme would have a slight adverse impact on opening, tending towards a negligible impact over the long term.

#### *Air Quality*<sup>9</sup>

- 3.63 The Scheme construction works have the potential to generate emissions of coarse dust particles and fine particulate matter. However, the proposed mitigation measures, applied appropriately, would reduce the adverse effect of the works, as a whole, to an acceptable level.
- 3.64 For road traffic emissions, the ES (DD1) reported that in terms of local air quality the Scheme would result in a minor adverse effect at receptors within the Luton AQMA. It also reported reductions in annual mean concentrations of nitrogen dioxide in the Dunstable AQMA and a minor beneficial effect on air quality throughout the rest of the study area. In the majority of the study area the magnitude of changes would be small to imperceptible and local air quality would remain at a good standard with the Scheme in operation.
- 3.65 In addition, there are 4 SSSIs located within 200m of the Scheme or affected existing roads. However, the effect of the Scheme on air quality at all of these sites would be so small as to be of negligible significance. On balance the Scheme would have a neutral effect with respect to air quality overall.

#### *Ecology*<sup>10</sup>

- 3.66 The Published Scheme would not have any significant adverse effects on existing habitats of importance for nature conservation, except for arable fields with High value for scarce arable flora. As like-for-like provision of habitat for scarce arable flora could not be achieved within land taken for the Published

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<sup>9</sup> Doc HA/107/2

<sup>10</sup> Doc HA/108/2

Scheme, the aim would be to provide other types of new permanent habitat of value for nature conservation. This would be essential to adequately mitigate the ecological impacts of the Published Scheme. If the area available for habitat creation was reduced, the assessment of a Slight Adverse effect by the Assessment Year of 15 years after opening would have to be amended to at least a Moderate Adverse effect.

- 3.67 With the Published Scheme as designed, there is the potential for the suite of new habitats to improve over a longer time period under appropriate long-term management, as part of the Highways Agency's soft estate (the vegetated areas of land owned by the Highways Agency). The on-going development of semi-natural habitats over a longer period has scope to reduce the ecological impact of the Published Scheme to Neutral or better.

Agriculture and Soils<sup>11</sup>

- 3.68 The permanent loss of almost 65ha of BMV agricultural land would be a major adverse effect of the Published Scheme. However, this needs to be taken into account alongside other sustainability considerations, such as biodiversity, the quality and character of the landscape, amenity value and heritage interest, accessibility to infrastructure, workforce and markets and the maintenance of viable communities.
- 3.69 Moreover, the extent of loss would be principally a function of the scale of the Published Scheme, rather than a disproportionate or profligate use of higher quality agricultural land. In addition, the loss would occur within an area which has a significantly higher proportion of Grades 1 and 2 land than the national average. In such circumstances the opportunities for avoiding the use of BMV agricultural land are limited, particularly with linear development.
- 3.70 The temporary use of about 15.5ha of agricultural land would also be required for construction compounds, drainage works and construction accesses. These areas would be disturbed to varying extents but it is anticipated that by following the standards of restoration set out in the Good Practice Guides, encapsulated within the Construction Environmental Management Plan (CEMP) (DD99 & DD99A), the land would be restored to its original quality.
- 3.71 The Published Scheme would affect 7 farm holdings, but would only have a minor adverse effect on each of them. Accordingly, these holdings would not be expected to undergo any significant changes to the type and range of existing enterprises. A number of mitigation measures and accommodation works have been developed in consultation with farmers to minimise the effects on individual farm holdings. In addition, farmers affected by the Published Scheme would all be entitled to statutory financial compensation.

Cultural Heritage<sup>12</sup>

- 3.72 In terms of archaeological remains, 1 Scheduled Monument (a site of High value - Thorn Spring) and 9 undesignated archaeological sites of regional or local importance would be impacted by the Scheme. However, appropriate mitigation, either by preservation in situ or preservation by record is proposed as part of the Scheme. Following this there would just be a Slight Adverse effect at 6 sites and a Moderate Adverse effect at 3 sites.

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<sup>11</sup> Doc HA/110/2

<sup>12</sup> Doc HA/109/2

- 3.73 The setting of a number of non-designated historic buildings would also be affected by the scheme, although landscaping would be used to minimise any adverse effects. This would be achieved principally through the use of appropriate tree and hedgerow planting to minimise the visual impact of new structures and integrate the Scheme with the surrounding landscape. In addition, earthwork noise barriers would be provided at some locations.
- 3.74 There would be adverse impacts on 2 historic motorway structures of Low value, related to the existing M1 motorway. Following mitigation by recording the structures prior to demolition, the residual effect would be Slight Adverse. There would also be adverse impacts on the settings of 3 undesignated historic buildings of Low value. Following mitigation the residual effect would be either Neutral, or Slight Adverse.
- 3.75 The route of the Scheme crosses a historic landscape formed from a single Historic Landscape Character; 18th century irregular enclosure with boundary loss which is assessed to be of low historic landscape value. Appropriate mitigation by design and appropriate preservation by record has been built into the Scheme and the assessment concludes that there would be a Slight Adverse effect on the historic landscape character of the scheme corridor and Slight Adverse effects to 2 historic hedgerows and the route of 1 historic trackway.
- 3.76 The Ancient Woodland within which the Thorn Spring monument lies, and associated woodland banks, are of medium value and the integrity of this land parcel would be maintained. However the setting of this historic landscape would be affected and appropriate landscape screening has been incorporated in to the scheme as part of the landscape mitigation. Adverse effects overall would be limited to Slight Adverse on the 18th century irregular enclosure and Ancient Woodland. In this regard it should be noted that any visual impact on the area of Ancient Woodland would be reduced as a result of the approved Departure from Standards, which would allow the extent of lighting at the western end of the Scheme to be reduced (see Doc HA/102/5).

### **Social Impacts, Accessibility and the Economy**

- 3.77 Although 5 residential properties would be demolished the Published Scheme would, overall, be conducive to economic growth and assist housing development in the vicinity of the A5-M1 corridor, thereby facilitating the planned growth for the region. It would also allow for improved accessibility to the existing Woodside Industrial Estate.
- 3.78 The reduction in traffic flows afforded by the scheme on the A5 through Dunstable would improve access to the town for all road users. Crossings of the new road would be created for walkers and cyclists and the bridleway network would be extended. One currently used PRoW would be closed but would be replaced by footway provision. However, other PRoW would be diverted, leading to some increases in journey distance.
- 3.79 The Scheme would support policies for the economic development of the Luton and mid-Bedfordshire areas, by improving access through reducing congestion and improving the reliability of journey times for local trips and particularly those trips accessing the M1 motorway.

### **Safety Considerations**

- 3.80 The Published Scheme has been designed to current standards with appropriate operational capacity. The improvements in the standard of the route and the

overall reduction of through trips within Dunstable and on other local roads would be expected to result in 1,249 fewer personal injury collisions, including 299 killed or seriously injured casualties, for the core scenario traffic forecasts and over the 60-year appraisal period<sup>13</sup>. Improved crossing facilities of the M1 for NMUs and the proposed provision of the signalised crossing for pedestrians, cyclists and equestrians across the A5120 would also contribute to improvements in safety.

### **Value for money<sup>14</sup>**

- 3.81 The Published Scheme would open in late 2016 and would provide transport benefits to road users. In 2002 market prices (discounted to a 2002 present value year, the standard method of accounting for transport economic assessments) the Scheme would provide a present value of benefits of £471 million against a present value of costs of £87 million. This would give a net present value (NPV) of £384 million with a benefit to cost ratio (BCR) of 5.4, which would represent excellent value for money.
- 3.82 If the developers' contribution, referred to earlier, is taken into account, the cost to the public purse would be reduced and the benefit to cost ratio for the public investment would rise to 6.7. In either case it is clear that the Published Scheme would deliver positive transport economic benefits.

### **Disruption during construction**

- 3.83 The Scheme has been designed to minimise disruption as much as possible during construction. Detailed action plans would be developed to manage these issues, including the CEMP (DD99 & DD99A), to identify all of the relevant environmental issues, explain why they might be sensitive, how they would be managed and how the impacts would be minimised during the site works. The CEMP covers such matters as construction working hours; the way in which the Scheme has been designed to reduce construction disruption; a construction strategy to minimise disruption; traffic management measures to reduce disruption to motorway traffic, thereby minimising disruption on local roads; waste minimisation and management; and noise from construction activities.
- 3.84 All construction site staff would be made aware of these issues and would receive appropriate environmental training. Throughout the construction works, liaison would be undertaken with the relevant authorities and local residents to keep them informed of planned activities and respond to any comments and queries which may arise. Further details on these matters can be found in the Proof of Evidence on Construction (HA/104/2).

### **Statutory Criteria**

- 3.85 The draft Orders meet the statutory criteria that must be satisfied to ensure full compliance with the Highways Act 1980 (DD16).
- 3.86 The Draft Line and Detrunking Orders take account of the requirements of local and national planning policy, including the requirements of agriculture, as set in the relevant chapters of the ES (DD1). As previously noted, high traffic flows on the existing A5 lead to considerable congestion, particularly during peak

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<sup>13</sup> Table J-3 in Appendix J within Doc HA/105/3

<sup>14</sup> Doc HA/105/2, paras 9.57 - 9.61

- hours and this results in unreliable journey times, a poor accident record and an unsatisfactory quality of life for local residents.
- 3.87 The design of the proposed Scheme is in accordance with current design standards and would deliver accident savings. It would also have the effect of relieving traffic volumes on County maintained roads and, as a consequence, accident numbers would be expected to reduce across the whole study area. The Published Scheme would therefore be expedient for the purpose of extending, improving or reorganising the national system of routes in England and Wales. Its impact on the local environment is described in the ES (DD1).
- 3.88 Turning to the draft SROs, provision is being made for statutory undertakers' apparatus and liaison with the companies affected is on going. Furthermore, where a highway or PMA is to be stopped up, a reasonably convenient alternative route or access would be provided, as described in the Schedules and Plans of the draft SROs.
- 3.89 With regard to the draft CPOs, and the guidance set out in Circular 06/2004 (DD149), there is a compelling case for acquisition of the relevant land in the public interest. The Published Scheme has been subjected to a detailed appraisal on engineering, economic, environmental and amenity considerations and is considered to be the optimum solution to the problems currently experienced on the A5 between Dunstable and the M1. As noted earlier the proposed Scheme is generally in accordance with published Government Policies and Plans. The anticipated publication of the Framework is not expected to materially alter the Highways Agency's case or affect the justification for the Scheme.
- 3.90 Local access would be maintained, wherever practicable, with the provision of overbridges, and the Scheme includes appropriate measures to mitigate adverse effects which could impact on human rights. Any residual interference with human rights would be necessary in order to achieve the Scheme and, having regard to the scheme benefits, would be proportionate.
- 3.91 The acquiring authority, the DfT, has a clear idea of how it is intending to use the land it seeks to acquire. The design has been undertaken to a sufficient level of detail to identify the land required, including that necessary for landscaping. All necessary resources are likely to be available within a reasonable timescale and the Secretary of State believes that all statutory procedures have been followed correctly to ensure that there would be no impediment to implementation of the scheme. The Published Scheme has a current range estimate of £156 million to £212 million.

#### **Certificate under Section 19 of the Acquisition of Land Act 1981**

- 3.92 Section 19(1)(b) of the Acquisition of Land Act 1981 allows development to take place in small areas of Public Open Space without the need to provide exchange land, provided the area of land required is less than 209sqm (250 sq yards). That is the case here as 196sqm of land which falls within an area of Public Open Space, as designated by Luton Borough Council (LBC), is detailed as being needed for the Scheme within draft CPO No 2. The land is required either for a PMA or for working space to construct the PMA off Kestrel Way, for the use of the Secretary of State to access attenuation pond No 6. On completion, the land would be offered back to LBC, subject to an access right in favour of the Secretary of State for Transport.



- 3.93 A Public Notice of Intention to issue a Certificate under Section 19(1)(b) has been prepared and the Secretary of State for Communities and Local Government is asked to certify that the giving of exchange land is unnecessary in this case, for the reasons set out above.

**Modifications requested to the Orders as drafted**

- 3.94 As the draft Orders were originally published in 2009, the Highways Agency has checked land ownership details against information currently held by the Land Registry and, where necessary, has updated the CPO Schedules to reflect any changes. The proposed modifications to the CPOs do not require any new or additional land. The Highways Agency also proposes a number of minor amendments to the SROs to address concerns expressed by several landowners, with regard to their accesses. In addition, minor revisions have been found to be necessary to the Orders to address identified drafting errors.
- 3.95 These revisions are set out in detail in Doc HA/0/32, which also identifies the reasons for each of the requested modifications and provides the supporting evidence to demonstrate agreement to the proposed modifications, where appropriate. This document also contains amended plans and schedules reflecting the modifications. In summary the details of the proposed modifications, which the Highways Agency supports, are set out below.

*Side Roads Order No 1 Sheet 3 Modification No 1*

- 3.96 Mr and Mrs Dryden (Obj 22), the owners of Grove Farm, objected to the proposed alignment of the combined access/bridleway serving both Bridleway 46 and Grove Farm. The proposed access would cross a third party's land and would require Mr and Mrs Dryden to have a right of access over that land to gain access to their own property and land, which includes a livery business. This had not been the case to date. Mr and Mrs Dryden requested that the existing alignment and junction with the stopped up A5120 be retained, and that the proposed junction between the access and realigned A5120 be repositioned to avoid the need for Rights of Access over third party land.
- 3.97 Modification No 1 incorporates this request. To accommodate the construction of a surface water culvert under the modified access a temporary bridleway/ access route is included. This would involve the use of third party land included in the published CPO for a limited period during the construction. Schedule 3 has been amended to reflect the above changes. Modification No 1 also includes minor amendments to Sheet 3 and Schedule 3 to correct drafting errors.

*Side Roads Order No 1 Sheet 5 Modification No 2*

- 3.98 A representation to the Published draft Orders was received from Mr J Rowe on behalf of the Chiltern Society (Rep 11). One of the points raised relates to the footpath diversion arrangement for stopped-up Footpath 16. Mr Rowe requested that a direct link between the end of this stopped-up footpath and New Highway Ref F be provided so as to create a more direct route between BOAT No 9 and Footpath 5. Modification No 2 incorporates this request by adding an additional link (New Highway Ref F), via steps, between Footpath 16 and the New Highway Ref D. Modification No 2 also involves 2 minor amendments to Schedule 5 to correct drafting errors.

*Side Roads Order No 1 Sheet 2 Modification No 3*

- 3.99 Modification No 3 involves a minor amendment to Schedule 2 to correct a drafting error.

Side Roads Order No 2 Sheet 1 Modification No 1

- 3.100 An objection to the Published Orders was received from the Trustees of M J Shanley Ltd (Obj 23). One aspect of the objection related to the access arrangement to their retained land from the proposed Sundon Road/B579 Luton Road roundabout. The Trustees objected to the proposed access being taken from the realigned BOAT No 9 and requested that an access be provided directly from the proposed new roundabout to their retained land. This access would be coexistent with the BOAT for part of its length. This proposal was treated as an Alternative Route (AR8).
- 3.101 Modification No 1 incorporates the Trustees' request and Schedule 1 has been amended to reflect the above changes. It should be noted, however, that this Modification does not fully accord with the Objector's wishes in terms of width of access to be provided (see para 5.54 later). Modification No 1 also includes a minor amendment to Sheet 1 and 2 minor amendments to Schedule 1 to correct drafting errors.

Side Roads Order No 2 Sheet 2 Modification No 2

- 3.102 An objection to the Published Orders was received from Mr I Fazal (Obj 11). One element of the objection relates to the proposed provision of an access over his land for the benefit of Network Rail. Mr Fazal objected to a third party having a right of access over his land as this had not been the case in the past. A related Objection has been lodged by Network Rail (Obj 2).
- 3.103 Modification No 2 addresses Mr Fazal's request by removing the access from his land and re-routing the access within land to be purchased for the highway improvements. Schedule 2 has been amended to reflect the above changes.

Compulsory Purchase Order No 1 Sheet 1 Modification No 1

- 3.104 New information from the Land Registry search relating to the tenant of land owned by CBC has been received. The CPO Schedule has been amended to reflect this change but no amendment is required to the Plan for this modification. Following the check of details of ownership held by the Land Registry, Modification No 1 requires 3 additional plots, all owned by CBC. Amendments are also required to a number of plots owned by Mr D E Fensome. Both the CPO Plan and Schedule have been amended to reflect these changes.

Compulsory Purchase Order No 1 Sheet 2 Modification No 2

- 3.105 Due to the changes to SRO No 1 Modification No 1 (Grove Farm Access) some new plots are needed, some need to be amended and others need to be removed. These changes relate to plots owned by Mr E P Buckingham; Mr D Y Buckingham and Mrs E A Buckingham; and Mr R W Dryden and Mrs K M Dryden. Both the CPO Plan and Schedule have been amended to reflect these changes. In addition, new information from the Land Registry search relating to the plots in the ownership of B R Dryden and R W Dryden and R C Upchurch has been received. The CPO Schedule has been amended to reflect these changes but no amendment is required to the Plan for these modifications.

Compulsory Purchase Order No 2 Sheet 1 Modification No 1

- 3.106 Due to the changes to SRO No 2 Modification No 1 (BOAT No 9 and access) a number of new plots and amendments to already identified plots are included in CPO Modification No 1. Some further plots are to be the subject of Desirable Licences and are therefore not included in the CPO. In addition, new

information from the Land Registry search relating to the ownership details of plots affected by SRO No 2 Modification No 1 has been received and the CPO Schedule has been amended to reflect these changes. No amendment is required to the Plan for these modifications.

*Compulsory Purchase Order No 2 Sheet 2 Modification No 2*

- 3.107 Due to the changes to SRO No 2 Modification No 2 (Mr Fazal/ Network Rail Access), amendments to a number of plots and the creation of a new plot are included in CPO Modification No 2. Some further plots are to be the subject of Desirable Licences and are therefore not included in the CPO. Both the CPO Plan and Schedule have been amended to reflect the above changes.
- 3.108 Following the check of details of ownership held by the Land Registry Modification No 2 requires new plots owned by Network Rail, Mr I Fazal and The Secretary of State for Transport. In addition, 6 further new plots in unknown ownership would be required. Further amendments, renumbering and rearrangements of plots owned by Mr I Fazal, Friends Life Co Ltd, Three Valleys Water, Network Rail, D M W Hazel and The Secretary of State for Transport are also necessary. Both the CPO Plan and Schedule have been amended to reflect all the above changes.
- 3.109 Finally under this Modification, new information from the Land Registry search relating to plots in the ownership of Friends Life Co Ltd, C W Little, P F Little, G H Court and Ms S A Glover has been received and the CPO Schedule has been amended to reflect these changes. No amendment is required to the Plan for these modifications.

*Compulsory Purchase Order No 2 Sheet 3 Modification No 3*

- 3.110 New information from the Land Registry search relating to plots in the ownership of Friends Life Co Ltd has been received and the CPO Schedule has been amended to reflect these changes. No amendment is required to the Plan for these modifications.

## **Summary**

- 3.111 In summary, the Published Scheme would address the transport problems that have been identified on the length of the A5 through Dunstable. The Scheme is consistent with the Government's Transport Objectives and its benefits are judged significantly to outweigh its adverse impacts. There is a compelling case that the acquisition of the land and rights included in the Orders is necessary in the public interest and any interference with human rights is justified (HA/101/2, Section 12). The Orders should be made as proposed to be modified, and a Certificate should be issued in relation to the Public Open Space at Kestrel Way, in accordance with the draft.

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

The material points were:

### **Mr Andrew Selous MP (Supporter (Sup) 10)<sup>15</sup>**

- 4.1 Mr Selous, the local Member of Parliament for South West Bedfordshire, has been highlighting the urgent need for a bypass for Dunstable, Houghton Regis

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<sup>15</sup> AS/1/SUP10

- and the surrounding villages since his maiden speech in July 2001, and his predecessor had similarly campaigned for such a bypass for 31 years. Traffic problems in Dunstable go back many years, with a newspaper article from 1924 referring to the traffic bottle neck in the town.
- 4.2 There is significant local support for the Published Scheme, evidenced by a 25,000 signature petition which Mr Selous presented shortly after his election. However, little progress appears to have been made since the announcement of a northern bypass for Dunstable in July 2003. One consequence of the on-going delays is that the cost of the A5-M1 Link has virtually tripled since the first estimates back in 2003.
- 4.3 Bypasses have been built elsewhere in the County, but Southern Bedfordshire appears to have lost out. The need for a bypass to the north of Dunstable is overwhelming for the residents of Dunstable, Houghton Regis and the surrounding villages, but a bypass is also essential for towns such as Leighton Buzzard and Aylesbury, as it would provide fast, direct access to the national motorway network.
- 4.4 Although very welcome, the Luton-Dunstable busway, currently under construction, will not solve the problems of congestion, retail decline and lack of business growth in Dunstable and Houghton Regis. The only hope to secure economic regeneration to provide much needed jobs in the area and much needed local housing is for the A5-M1 Link to be built urgently.
- 4.5 Some time ago Dunstable High Street had 56 empty shops, largely as a result of the length of time it takes for shoppers to get into and out of the town centre. During recent times there has also been a loss of 1,850 jobs in South Bedfordshire, overwhelmingly due to congestion. Major employers have closed down and left the area and have not been replaced by sufficient numbers of new employers to provide the jobs that the area needs today.
- 4.6 Many of the area's residents are forced to travel out of the area to find work, adding to congestion on both the A5 and the A505 through Dunstable. The A5-M1 Link would greatly ease congestion and lead to much lower pollution levels and a better quality of life for those who live and work in the town centre. This would greatly help all the shops in the town, as well as attracting many new employers to the area and persuading existing employers to expand their operations locally.
- 4.7 The Highways Agency has estimated that the total economic benefits of the Scheme would be in the region of £684 million, against the cost of some £135 million at 2002 prices. The Scheme would also bring significant economic benefits for business users and consumers. With input from private sector developers and CBC it is intended to construct the WSC to link to the proposed Junction 11A, and overall it has been estimated that about 5,750 extra jobs would be created in the area, through the release of new employment land.
- 4.8 In addition it is anticipated that the Scheme would provide the opportunity for private sector developers to provide some 5,150 new dwellings to be built in the area, many of which would be essential to meet local affordable housing need. To achieve all the above benefits the Published Scheme should be constructed as soon as possible.

**Mr Anthony Hemming (Sup 3)**<sup>16</sup>

- 4.9 Mr Hemming, a resident of Houghton Regis, supports the Published Scheme but maintains that it should not include any links from local roads to the proposed Junction 11A. In 2005 a proposal for a bypass running from Thorn to the M1, without any connection to Houghton Regis, was put forward for public consultation. This would have reduced the traffic flows through Houghton Regis, especially HGVs, and the scheme met with favour by Houghton Regis residents. In the event, however, the Published Scheme incorporated a connection with the A5120, but no local road connections to Junction 11A.
- 4.10 Local road connections to Junction 11A should not “slip in via the back door”. In this regard 2 alternative proposals for local road connections at Junction 11A are being put forward by others in the shape of AR7 and AR5. AR7 amounts to part of the WSC which, in its entirety, would run from the Woodside Industrial Estate to Junction 11A, with a link to Sundon Road, Houghton Regis. This would provide a direct route to the motorway for HGVs, but as yet is unapproved and unfunded. As the design of Junction 11A does not preclude a future WSC being linked into it, and as this road is at an early stage of design, the Inquiry should proceed with the Published Scheme as it stands.
- 4.11 Although many residents of Chalton support AR7, the Highway’s Agency’s report into this Alternative Route (Doc HA/0/7) shows that the Published Scheme would provide a 25% reduction in traffic flow through Chalton, compared to just 18% through Houghton Regis. However whilst a local connection to Sundon Road would produce a further 17% decrease in traffic through Chalton it would result in a 17% increase through Houghton Regis. For Houghton Regis this would almost be the same position as without the bypass. Furthermore, the impact on roads east of the M1 would be even worse, with some roads experiencing flows up to 50% higher than with the Published Scheme. The residents of Chalton are asked to be neighbourly and accept their already improved position with the Published Scheme.
- 4.12 Alternative Route 5 would, in effect, provide part of the LNB linking into the proposed eastern dumb-bell roundabout. This would result in a 10% reduction in traffic flows for Houghton Regis, over the published scheme, and a 33% decrease for Chalton. However there would be a considerable increase in traffic along roads to the east of the motorway and, again, the design of Junction 11A does not preclude this option being considered at a later date.
- 4.13 In summary, the Published Scheme should be implemented as it stands, with no local road connections to Junction 11A. If such connections were included, all the previous studies, discussions and conclusions will have been pointless and the residents of Houghton Regis, who have been supporting the bypass, will have been betrayed. Finally, any new housing and commercial development between the new bypass and Houghton Regis should be connected directly to the bypass and not to the local road network.

**Councillor Nigel Young, Central Bedfordshire Council (Rep 14)**<sup>17</sup>

- 4.14 Dunstable is significantly affected by congestion which, on the A5, can extend as far south as Markyate. This congestion prevents Dunstable residents from

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<sup>16</sup> AH/1/SUP3

<sup>17</sup> NY/1/REP14

easily getting to Luton, with its railway stations and airport, and as a consequence Dunstable is isolated, as is Leighton Buzzard and the nearby villages. Moreover, the retail position in Dunstable town centre is poor, with no significant investment having been made for the last 20 years and a significant number of empty properties.

- 4.15 The existing situation is likely to worsen as the population of the Dunstable and Houghton Regis area is set to increase from just about 54,000 in 2012 to over 77,000 by 2030. When Leighton Buzzard and villages are taken into account there would be about 120,000 people in the wider conurbation.
- 4.16 There are some measures in the Transport Plan to relieve congestion, such as the Luton-Dunstable Guided Busway, but little more can be done without the A5-M1 Link and Junction 11A in place. Implementation of the Published Scheme would enable CBC to construct the WSC and would also allow it to detrunk the A5 as far as Markyate. HGVs could then be banned from Dunstable High Street and a similar ban could be imposed on Poynters Road, currently the shortest route to the Woodside Industrial Estate. These measures would significantly improve conditions in the town centre and would allow CBC to implement 20mph areas and improve the town further by the provision of shared spaces, as detailed in Manual for Streets 2<sup>18</sup>.
- 4.17 The A5-M1 Link should not simply be seen as a new road. It would be a means of regenerating the local community, by assisting in opening up the area north of Houghton Regis for planned development of over 5,000 new houses and by providing new areas for employment growth. Guided Busway links would be extended into this area, and in due course, new housing and employment development would also take place on the eastern side of the motorway, to the north of Luton, in conjunction with construction of the LNB.
- 4.18 In summary, the Dunstable/Houghton Regis area needs to be transformed but without the A5-M1 Link and the WSC there would be no regeneration. Now that the Guided Busway is under construction the A5-M1 Link and the WSC are the top priorities for CBC.

#### **Additional Support for the Scheme raised in written representations**

- 4.19 A number of other individuals and organisations (11 in all), offered their support for the Published Scheme. Details can be found in Doc INQ/3, but as no materially different matters to those set out above are raised in these written representations, they are not dealt with further here.

### **5 THE CASES FOR THE OBJECTORS**

The material points were:

#### **The case for Mr John Campbell (Obj 14)<sup>19</sup>**

- 5.1 Mr Campbell is a resident of Chalton. Very few improvements have been made to the A5 since the M1 was opened in 1959. Improving the M1 with extra lanes between Junction 8 and 10 has not shown any improvement, and Highways Agency data clearly shows that the A5-M1 Link road on its own would have no real effect on congestion in and around Dunstable. Only by including the Luton-Dunstable guided busway and M1 improvements do traffic flows reduce, very

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<sup>18</sup> Published by the Chartered Institution of Highways & Transportation in September 2010

<sup>19</sup> Docs INQ/2 & JC/1/OBJ14

slightly. Moreover, the Published Scheme would fail to solve core problems in the Bedfordshire road system when accidents/roadworks occur on the M1, and detrunking the A5 would merely mean replacing HGVs with greater amounts of non-HGV traffic.

- 5.2 The A5 should therefore be improved with an "A5 to A5" bypass of Dunstable, rather than by connecting the A5 to the M1 through the Published Scheme. To this end Alternative Route No 2 (AR2) is promoted (see Doc HA/0/2). This would provide an alternative for north/south traffic and reduce M1 and minor road traffic flows. If the Published Scheme is pursued the core problems of failing to improve the A5 and over-burdening the M1 will persist.
- 5.3 The A5-M1 Link has always been associated with very large scale housing development to the north of Dunstable and the £45 million developer contribution must have included house building targets. Changes to the planning system will mean that new houses can be granted planning permission very rapidly, such that there could be a high house building rate in the 4 years before the A5-M1 Link road would be completed. Traffic from any proposed housing should be included in assessments of the Scheme. Freedom of Information requests have been submitted to the Highways Agency and Environment Agency for this information, but whilst these have been acknowledged, no fresh data has been published.

**The case for Mr Russell Currell on behalf of Chalton Parish Council (Obj 19)<sup>20</sup>**

- 5.4 Chalton Parish Council supports the A5-M1 Link Dunstable Northern Bypass if AR7, which would link the Sundon Road to the WSC, is also included. Without a link to Sundon Road the WSC would not cater for traffic from north Luton and the Vauxhall warehouse to the south of the village. AR7 would bring greater benefits all round, not just to Chalton but to the neighbouring villages as well, by allowing access to the M1 for local traffic. This would not be a major amendment in the scheme, but it would have a significant positive effect on the immediate area.
- 5.5 The Bypass cannot be regarded as a regional road, due to its short length. If this road was of regional importance, it would have been looked at for its entire length, from the A5 to the A505 between Luton and Hitchin. Because of this there is no valid reason to exclude the WSC from joining the A5-M1 Link, or to justify not including the Sundon Road linking to the WSC. The additional length of road to construct AR7 would be very short and the estimate of it adding over £10 million to the overall scheme is questioned.
- 5.6 Without AR7 there would still be some benefits to Chalton Parish as the Scheme would provide a hard edge to development, resulting from the CBC Core Strategy under which some 26,000 houses are planned across the north of Luton, Dunstable and Houghton Regis, with about 15,000 in the immediate area. Chalton is situated in the centre of this area and being a small village it requires as much protection from the growth as possible, to prevent it being engulfed by its neighbours. The Bypass would help provide this protection.
- 5.7 Much of the surrounding area would experience reduced traffic levels and this would be a benefit for local roads which already carry more traffic at peak times than they would have been originally designed for. However, without AR7 the

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<sup>20</sup> Docs INQ/2 & RC/1/OBJ19

- Highways Agency figures show that Chalton would experience a 12% increase in vehicle movements, producing an extra 1,100 vehicle movements per day, on average. This is unacceptable, given how close Chalton is to the A5-M1 Link, and is further compounded by the sacrifices the village has to give with no return. This increase would be on a single-carriageway road which was built for light traffic, not the HGVs which use it at the current time.
- 5.8 Without AR7, HGVs from north Luton and the Vauxhall warehouse would continue to travel through the village to get to the M1 via Junction 12, passing within yards of a motorway junction they could not access, unless they made a round trip of some 5 miles to reach Junction 11A. This situation would be further compounded by growth in industrial and employment facilities which would increase traffic volumes and also bring larger vehicles to the area.
- 5.9 In contrast, if AR7 was incorporated into the Scheme the benefits to Chalton and surrounding area would be significant. Traffic would not need to pass through the village to reach the motorway and the Highways Agency figures indicate that traffic flows through the village would decrease by 1,500 vehicles a day. This would be a huge benefit and would result in a safer environment, particularly around Chalton Lower School. It would provide the opportunity to impose a lorry ban through the village, which could be extended to include neighbouring villages. Lower Sundon and Streatley would be able to benefit from this once the LNB is built.
- 5.10 The A5-M1 Link and Junction 11A would bring a concentration of light through the additional street lighting. The biggest impact would be at the motorway junction, which is also a high point in the area and would be visible from Sundon Road. In addition, at present Chalton residents can hear motorway traffic noise, as a continuous hum, when the weather conditions are right. The Bypass and the new junction would both add to the noise pollution in the area. Moreover, the roadworks themselves would have an adverse effect on the village as there would be noise, out of hours working and temporary road closures which would prevent villagers from moving about during this period.
- 5.11 The design of the proposed Junction 11A itself is confusing, with too many roundabouts. The use of a dumb-bell type of junction rather than a single, larger roundabout would confuse drivers. Furthermore, the plans of the junction are not easy to understand insofar as footpaths are concerned, and it is not clear how pedestrians would be able to go from one side of the village to the Sundon Road side.
- 5.12 At an additional £10.9 million the cost of AR7 would only be a small percentage increase on the overall cost of the Scheme. If the Scheme had gone ahead when first planned it would have been cheaper and if left for a few more years, the rising cost would make the £10.9 million appear relatively cheap. In the bigger picture it would be an acceptable price to pay to bring benefits to Chalton and the surrounding area.
- 5.13 In summary, not allowing access to the M1 and the Bypass would be a missed opportunity and a big disappointment to the residents of Chalton. The HGVs that use the village at present are using roads that were built to take horse and carts. This gives rise to difficulties when 2 HGVs try to pass on the Luton Road as they have to mount the pavements, which is not acceptable. The inclusion of AR7 as part of the Bypass would solve Chalton's traffic issues and should be considered in this one-off opportunity.



### **The case for Mr Mark Sullivan (Obj 30)<sup>27</sup>**

- 5.14 Mr Sullivan, a resident of Leamington Spa, submitted an objection in his own name and a further objection as the Chairman of the CPRE's West Midlands Regional Transport Group (Obj 41). The objection on behalf of CPRE related to the absence of any provision for a new high speed railway beside the M1, at the eastern end of the Published Scheme and is dealt with later in this report. The same matter was originally raised in Mr Sullivan's own objection, but was not maintained in his subsequently submitted proof of evidence, nor was it referred to at his Inquiry appearance. It is therefore not dealt with in this section.
- 5.15 Mr Sullivan contends that the published proposals for the A5-M1 Link and Junction 11A would not meet the sub-regional needs for transport and would be harmful to the operation of the M1 motorway. They have been put forward in isolation, without proper regard to the wider network implications, and are not shown to be integrated with other needed transport improvements.
- 5.16 The consequences of the published proposals would be: some reduction of traffic on the A5 in Dunstable, although traffic would remain heavy; increased traffic levels on the M1, which is already overloaded; the transfer of some local traffic from local roads onto the motorway; 3 motorway junctions in close proximity and a Motorway Service Area, leading to high entry/exit movements and associated weaving; no benefit to the Luton area as the road would not be extended to the A6 to the east; continued heavy traffic through the village of Toddington, which is a Conservation Area; and no link from Dunstable to the M1 at the new Junction 11A.
- 5.17 The Published Scheme should form part of a wider plan for the area and the appraisal of a new Junction 11A should consider whether it should replace Junction 11 (in the urban area on the busy local A505), Junction 12 (with the secondary road, A5120, between Dunstable and Ampthill), or both. The current proposal offers the opportunity to both correct the flaws in the present system and make conditions on the M1 better rather than worse. As proposed in the draft Orders, it does neither.
- 5.18 A better strategy would be a combination of the published proposals with amendments at the M1 end; the construction of the LNB from M1 Junction 11A to the A6; the Luton Eastern Orbital on the route reserved on the Local Plans' Proposals Maps, connecting to the existing Luton Eastern Orbital; a link past Toddington Service Area to join the A5120 probably just west of the M1; closure of the existing M1 Junction 12; closure of the existing M1 Junction 11 except for emergency services; widening of the M1 between Junction 11A and Junction 10; and the WSC.
- 5.19 Such a strategy would require a larger Junction 11A, to cater for more traffic and act as a major interchange for southern Bedfordshire, and a junction west of Junction 11A with a link from the A5120 parallel to the M1 (a Toddington Bypass) and the WSC linking to it. Both of these would then have access to the M1 through Junction 11A itself. These proposals should not go ahead without the closure of Junction 11 (except for emergency vehicles) and the widening of the M1 to full dual 4 lanes between Junction 11A and Junction 10.

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<sup>27</sup> Docs INQ/2, MAS/1/OBJ30 to MAS/4/OBJ30

5.20 Three ways of delivering this better transport network are suggested, and these should be investigated through traffic modelling:

- Option 1 – comprising the closure of the M1 Junction 11; construction of a larger Junction 11A; WSC; LNB/outer ring road to the A6 and A505 (east); M1 widened to dual 4 lanes between Junction 11A and Junction 10;
- Option 2 - comprising the closure of the M1 Junction 11; south facing slip roads from the M1 to Luton Dunstable Relief Road; a larger M1 Junction 11A; WSC; closure of the M1 Junction 12; link from the A5120 to the A5-M1 Link road just west of Junction 11A bypassing Toddington and Chalton; Luton Northern bypass/outer ring; and
- Option 3 - comprising the closure of the M1 Junction 11; a new link road from the M1 Junction 10 along the west side of the M1 to join Luton Dunstable Relief Road; a larger M1 Junction 11A; WSC; closure of M1 Junction 12; link from the A5120 to the A5-M1 Link road just west of Junction 11A bypassing Toddington and Chalton; LNB/outer ring road.

5.21 The published Orders should not be made pending evaluation of these networks, which seem likely to perform better and give greater benefits.

***INSPECTOR'S NOTE:*** *Mr Sullivan was unhappy with the way in which his objection had been treated and submitted a further Statement (Doc MAS/3/OBJ30 - referred to in paragraph 1.16 above), in which he maintained that the rules of natural justice had not been followed; that there had been misrepresentations about what happened at the 2010 Public Inquiry into the Orders for M1 Junctions 11 and 12; and that the Highways Agency had falsely stated that Directions to submit alternatives under the powers of the Highways Act were issued. This Statement was responded to in writing by the Highways Agency in Doc HA/0/27. This, in turn, was responded to by Mr Sullivan in Doc MAS/4/OBJ30. A note providing further details on this matter can be found at Appendix 4.*

### **The case for Mr Thurstan Adburgham on behalf of the Campaign to Protect Rural England (CPRE) (Obj 31)<sup>22</sup>**

5.22 Although originally favouring a southern alignment, rather than the northern alignment subsequently selected, CPRE supports the A5-M1 Link in principle. It is keen, however, to ensure that the connection of the A5-M1 Link with the proposed motorway Junction 11A is configured in such a way as to provide optimum relief to local roads from traffic seeking access to and from the M1. There should also be the best possible mitigation of the Link's adverse environmental impacts on the rural landscape lying eastwards of its junction with the A5.

5.23 The Published Scheme fails to provide adequate assurance on the issue of access between local roads and Junction 11A. Provision for the future WSC to link into Junction 11A, to serve Dunstable's industrial estates, is vital to the removal of HGV and other traffic currently using the B579 through Chalton to get to and from the M1 at Junction 12. However, the WSC on its own would not resolve this problem, but would also need a link to the diverted Sundon Road,

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<sup>22</sup> Docs INQ/2 & CPRE/1/OBJ31

- passing to the west of Junction 11A. Such an arrangement constitutes AR7 which the CPRE promotes and supports, in common with Chalton Parish Council. However, although the Highways Agency has indicated that the design of Junction 11A would not preclude future linkage of the WSC, it has not given a firm assurance that the WSC would, when the time comes, be accommodated at this junction.
- 5.24 The Highways Agency's detailed assessment report on AR7 confirms that it would give rise to enhanced overall scheme benefits, compared to the Published Scheme. This assessment concludes that the Net Present Value of Benefits (PVB) associated with AR7 would be £23.7m (5%) higher than with the Published Scheme, and that the overall Net Present Value (NPV) is some £12.8m higher. In addition the assessment confirms that AR7 would reduce the number of vehicles through Chalton village in 2017 by some 1,500 a day, compared to the Published Scheme.
- 5.25 It would seem that, in rejecting AR7, the HA is primarily influenced by the fact the investment costs associated with it would be some £10.9m higher, reducing the scheme Benefit to Cost Ratio (BCR) from 5.40 to 5.05. This fractional difference in BCR is not sufficient reason to justify failing to secure the clear advantages that AR7 offers in terms of PVB and NPV.
- 5.26 Moreover, it is not accepted that adoption of AR7 would present any compromise to the start-date of the A5-M1 Link scheme, given that this is not scheduled until the latter part of 2014, giving ample time for publication of, and inquiry into, the additional Draft Orders that would be required. CPRE therefore disagrees with the Highways Agency's assertion that the Published Scheme is the most appropriate.
- 5.27 Turning to the issue of lighting, at the time the CPRE prepared and submitted its proof of evidence, the Scheme contained proposals to install lighting columns and night-time illumination along the whole length of the A5-A5120 portion of the A5-M1 Link. This would have resulted in an adverse environmental impact, as acknowledged in the ES (see DD1, Para. 8.5.3.6), and would have been profoundly disappointing and completely unacceptable. The CPRE maintains that the Highways Agency should have sought to address this situation by use of the degree of design flexibility available to it, to reduce the adverse impact on the landscape.
- 5.28 It is acknowledged that these criticisms have been responded to, to some extent, with the Highways Agency indicating at the Inquiry that it had been granted a Departure from Standards regarding the lighting on this section of the proposed A5-M1 Link. This would mean that instead of needing to provide 443m of lighting, a lesser extent of 215m is currently proposed. CPRE acknowledges that this arises from reducing the Stopping Sight Distance (SSD) from 295m to 215m, and also reducing the recommended multiplier from 1.5 to 1.0. However, the currently proposed length of 215m of lighting is still excessive and does not appear to be based on any empirical evidence. If lighting is considered necessary it should be reduced further, possibly by applying a multiplier of 0.5, such that no more than about 100m is provided.
- 5.29 Paragraph 125 of the National Planning Policy Framework, published in March 2012, supports the CPRE's case as it states that *"By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature"*

*conservation*". By its unnecessarily rigorous adherence to DMRB standards, the Published Scheme fails to accord with this new Framework guidance.

**The case for Mr Julian Lyon on behalf of General Motors UK Limited (Obj 39)<sup>23</sup>**

- 5.30 General Motors UK Limited (GM) does not object to the Published Scheme itself, but rather seek to ensure that the benefits associated with the Scheme's eastern end are sufficiently secured. From its north Luton warehouse, parts are distributed to the dealer network overnight, to fulfil orders and replenish stock. Night-time traffic conditions are therefore more important to GM than day-time peak hour conditions. Timing is critical for order fulfilment and delays need to be minimised during the construction of the Scheme.
- 5.31 GM was initially concerned about the potential impact on its business during construction works for the Scheme and was particularly keen that highway infrastructure in the area should be developed with future connectivity to a LNB in mind. It was also concerned about the failure to take the opportunity to connect the businesses in the north-west Luton area to the new, improved road infrastructure. To this end AR5 was proposed, which would include an eastwards extension of the Published Scheme, from the eastern dumb-bell roundabout, to link to Sundon Park ahead of the development of the LNB.
- 5.32 However, as a result of on-going discussions with the Highways Agency, GM is now satisfied that there would be no need for major realignment or re-levelling of the roads and junctions proposed in the Published Scheme, to enable the construction of the LNB in the future. In view of this, GM does not need to pursue AR5 specifically to protect its own business, although it does believe it would be desirable to adopt the eastward extension as this would benefit all of the businesses in the Sundon Park and enable the local employment base to thrive and grow.
- 5.33 This is particularly important in view of the limited number and poor quality of the existing crossings of the M1 motorway, mainline railway and the old LNER Railway (currently under transformation into a Guided Bus route between Luton and Dunstable). It is recognised, however, that to pursue AR5 at this stage could result in a substantial exercise to approve the impact assessments and notify affected land owners, and could possibly require a further Inquiry.
- 5.34 It is still of concern that the proposed realignment of the B579 would take so much of the northern part of the GM land holding and fragment the land into 2 sections, as this has a major potentially adverse impact on the long-term operation of the GM parts' warehouse. However, on balance GM accepts that there is little scope to improve upon the Published Scheme. Furthermore, as it has been clarified that night-time road closures and disruption would be kept to a minimum the Scheme is unlikely to cause major problems to GM.

**Matters raised by objectors in written representations**

- 5.35 Details of matters raised by Objectors in written representations can be found in Doc INQ/2. A number of common themes are apparent in several of the following objections, and where that is the case, the gist of the objection has simply been summarised, or objections have been grouped together.

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<sup>23</sup> Docs INQ/2 & GM/1/OBJ39

### **Mr P Valks (Obj 1)**

- 5.36 Mr Valks lives at the dwelling "Lindum" on Sundon Road, immediately to the east of the Midland mainline railway. He raises concerns about the noise screening proposed for the realigned Luton Road (B579). His property experiences the prevailing winds and would suffer extra noise and pollution as a result of the Published Scheme. Noise measurements undertaken at the nearby property "Granton" are not representative of the noise received at "Lindum". Higher banking should be provided to reduce sound from the proposed roundabout and the realigned B579 Luton Road.
- 5.37 Lighting to the Scheme would cause light pollution to the area at night and trees on the top banks of the railway are often cut down and do not provide adequate screening or shielding. Allowing the mature hedge adjacent to the property to grow taller would not be a good idea as it would have a damaging effect on the property's foundations and drains. Concern is also expressed about the pedestrian route to Dunstable if the Scheme was approved.

### **Mr Doug Dix (Obj 3)**

- 5.38 As a resident of Toddington, Mr Dix is concerned that the Published Scheme would not provide connections from the local roads into the proposed new motorway Junction 11A and would not provide the opportunity for HGV restrictions to be imposed through Chalton and Toddington. He submitted proposals for Alternative Route AR9, which would provide a local road connection from the B579 Luton Road (East) into the eastern dumb-bell roundabout of Junction 11A, but later withdrew this alternative proposal. However, he maintains his support for other alternative proposals which would provide local road connections, namely AR5, AR7 and AR10.

### **Mr M G Ford (Obj 4)**

- 5.39 Mr Ford is a resident of Swadlincote in Derbyshire. He makes no direct comment on the Published Scheme but puts forward 2 alternative options for the detrunking of the A5, suggesting that the road should be detrunked from M1 Junction 9 either to M1 Junction 18 or to the intersection of the A5 and the A43 near Towcester.

### **Mr Peter Cole (Obj 5)**

- 5.40 Mr Cole is a resident of Dunstable. As a former HGV owner/driver he objects to the Published Scheme, maintaining that road users would continue to use the existing A5 due to journey distances and times, and that a 7.5 tonne weight restriction would be needed to make the A5-M1 Link work. He also objects on the grounds that motorway drivers would leave the M1 and travel through Dunstable when an accident occurred south of Junction 11A. He proposed an alternative route to the Proposed Scheme, AR1, comprising a tunnel from the A505 north of Dunstable to the Caddington Turn on the A5 south of the town.

### **Ms Alison Williams (Obj 6), Ms Elizabeth Morris (Obj 7), Mr Terry Coles (Obj 9), Mr Tom Brialey (Obj 47) & Mrs Debbie Charman (Obj 48)**

- 5.41 These Chalton residents object on the grounds that the Published Scheme would not provide local road connections to the proposed Junction 11A or provide any benefits for the village. Their objections regarding the lack of local connections to Junction 11A were treated by the Highways Agency as support for Alternative Route AR7. Other matters raised are the size, number and speed of HGVs that pass through the village; the assertion that the Scheme would give rise to

adverse impacts with respect to noise and air quality in Chalton; and the need for a 20mph speed restriction and 7.5 ton weight restriction.

- 5.42 Mr Brialey further considers that the publication of the Framework has strengthened his and other objectors' cases. For the reasons set out above he contends that the Scheme would seriously disadvantage future generations of Chalton residents and would therefore not represent sustainable development.

**Mr D Y Buckingham (Obj 13)**

- 5.43 This objection, from Mr D Y Buckingham of Griffin Farm, Toddington, is closely linked to that of Mr E P Buckingham (Obj 42) and there has been some overlap in the correspondence relating to these 2 objections.
- 5.44 Mr D Y Buckingham raises several points of objection. In particular he is concerned about future access arrangements to his land, which is directly affected by the Published Scheme. He objects to the taking of a Section 250 Right over Plot 2/2A and requests assurance that a stream crossing on the tributary of the Ouzel Brook would be provided as accommodation works and would meet Environment Agency's specification. He also objects to the use of Plots 2/1G and 2/1H as woodland.
- 5.45 He raises concerns about the details of maintenance, ownership and rights over the proposed new access to Grove Farm, but indicates that the proposed modification to the western end of the Grove Farm access track would be acceptable to him.

**Mr Kevin Cutler (Obj 16)**

- 5.46 Mr Cutler is a resident of Sundon Park, Luton. He maintains that the Published Scheme would not solve the traffic problems in Dunstable, but would clog up Sundon Park with more traffic and would help to promote the LNB which he opposes. He is also concerned about the capacity of the M1 to cope with the traffic using the A5-M1 Link and that road deaths would be caused by the construction of the Scheme. Other grounds of objection are that the Published Scheme would give rise to adverse impacts of noise and pollution; that Chalton village would be devastated by the proposed Scheme; and that it would destroy the agricultural industry and beautiful countryside by taking land from the Green Belt.

**Mr Nigel Brigham on behalf of Sustrans (Obj 17)**

- 5.47 These objections cover a wide range of matters, both in Sustrans' initial submission and also in a proof of evidence prepared for the postponed inquiry. Sustrans did not, however, appear at the 2012 Inquiry or add to its written submissions made in 2010. It objects on the grounds that the Scheme is no longer justified; would not protect and enhance the built and natural environment; would not result in reduced congestion and improved journey times; and would not address environmental and safety issues in Dunstable.
- 5.48 It maintains that greenhouse gas emissions would not be reduced and that the Scheme does not take account of emissions from construction. It further considers that the Scheme would not reduce the volume of strategic traffic movements from Dunstable and believes that there is a danger that it would result in increased levels of local traffic.
- 5.49 Sustrans disputes the claim that the Published Scheme represents good value for money and would bring significant economic benefits to Dunstable,

Houghton Regis and Luton. Rather, it argues that greater benefits would be achieved if money was invested in walking, cycling and public transport and objects that the Scheme would not pay adequate regard to NMUs and therefore would not adhere to standards.

**Mrs S Kitchen (Obj 18)**

5.50 Mrs Kitchen lives at Hillcrest, Luton Road, Chalton, located just to the east of the proposed diversion of the B579 Luton Road. She objects to the Scheme on the grounds of increased noise and air pollution impacts of the proposals to divert the Luton Road and she requests that a speed limit of 30mph be placed on this new length of road. She also objects on the grounds of the impact of relocating or raising existing electricity pylons, and maintains that the proposed creation of a cul-de-sac past her property would lead to potential problems of fly tipping, travellers settling and security risks.

**Mr David Bough (Obj 20)**

5.51 Mr Bough lives at Hillside, Luton Road, Chalton, located just to the west of the existing M1 motorway. He objects on the grounds that the provision of the access track to service proposed Pond 5 would allow unauthorised people to access his property and would encourage fly tippers and use by the travelling community. This is of particular concern as there were 10 attempted break-ins during the previous year. The Scheme would also give rise to increased noise impacts, air quality impacts and disruption during construction.

**Mr Ronald Pearce (Obj 21)**

5.52 A resident of Houghton Regis and a long distance lorry driver, Mr Pearce maintains that the proposed layout of Junction 11A is too complicated and would not provide connections to local roads, particularly for the industrial areas in north Luton. He foresees adverse traffic impacts on Chalton and neighbouring villages with the Published Scheme and proposes an alternative route which would provide local road connections, interpreted by the Highways Agency as best being represented by AR7 and AR10.

**Mr & Mrs Dryden (Obj 22)**

5.53 Mr and Mrs Dryden of Grove Farm, Bedford Road, Bidwell are directly affected by the Published Scheme, which would cross over their land. They raised a number of objections, but all bar one of these were withdrawn. The remaining area of concern relates to the proposed access arrangements for Grove Farm from the realigned A5120. Mr and Mrs Dryden have confirmed that this objection would also be withdrawn if the Modification relating to the western end of the Grove Farm Access track, was to be incorporated into the Scheme.

**Mr Martin Paddle on behalf of the Trustees of M J Shanley Ltd (Obj 23)**

- 5.54 No objection is raised to the principle of either the A5-M1 Link or to the CPO. Objection is, however, raised on the grounds that the Scheme should provide a suitable means of access from the proposed western local road roundabout, to land controlled by M J Shanley Ltd to the immediate south-east of Chalton. The arrangement shown in AR8 would be acceptable and preferable to the Published Scheme, subject to the access being 7.3m wide, to ensure that land could be adequately accessed by either 2 passing HGVs or similar agricultural vehicles.
- 5.55 In addition, the entry and exit splays and radii should be modified to accommodate an adequate connection to the western roundabout and avoid any

risk of blocking back onto the roundabout. The road pavement specification should be identical to the roundabout, in order to provide a durable road pavement "fit for purpose" and to accord with the Highways Agency's specification for the overall scheme. Finally, the access should be extended beyond the connection with BOAT No 9 and a secure field access gate should be provided along the CPO boundary.

**Mr & Mrs Hull (Obj 27)**

5.56 Mr and Mrs Hull live at the dwelling "Granton" on Sundon Road, immediately to the east of the Midland mainline railway. Objections are raised to the Published Scheme on the grounds of increased noise impacts. In addition, Mr and Mrs Hull are concerned about the impact on Mr Hull's health due to dust and fumes during the construction; devaluation of their property and the fact that they would not be able to sell it; about light from the Scheme at night; and disruption arising from constant lorry traffic accessing the site.

**Mr R Foster, Clerk to Chalton Parish Council (Obj 32)**

5.57 Mr Foster submitted no further written objection and did not appear at the Inquiry. As his objection is identical to that submitted by Mr Currell (Obj 19), which has been dealt with earlier in this report, it is not discussed further here. Reference should be made to the earlier coverage of Obj 19 for fuller details.

**Mr Ed, Miss Samantha & Mrs Debbie Grygiel (Objs 33, 34 & 35)**

5.58 Objections have been made by 3 members of the Grygiel family of Luton Road, Chalton. The objections maintain that the impacts on Chalton village have been ignored. The Published Scheme would result in an adverse impact on the quality of life for local residents in terms of noise, pollution and light intrusion and there is a lack of a co-ordinated approach and a lack of consideration of the impact of future housing and employment in the area. The Scheme misses the opportunity to improve traffic flows through Chalton and other villages through the provision of local road connections to the proposed Junction 11A. Such connections, as suggested in AR7, should have been included in the Published Scheme. The Scheme also misses the opportunity to implement a HGV ban through Chalton.

**CPRE West Midlands Regional Transport Group (Obj 41)**

5.59 This objection was submitted by Mr M A Sullivan, Chairman of the CPRE's West Midlands Regional Transport Group. CPRE objects on the grounds that the currently proposed road layouts do not include provision for a new high speed railway beside the M1, at the eastern end of the Published Scheme.

**Mr E P Buckingham (Obj 42)**

5.60 This objection, from Mr E P Buckingham of Griffin Farm, Toddington, is closely linked to that of Mr D Y Buckingham (Obj 13) and there has been some overlap in the correspondence relating to these 2 objections.

5.61 Objection is raised to proposals to acquire Plots 2/2A, 2/10, 2/1G and 2/1H, together with the landscaping proposed for Plots 2/1G and 2/1H. If plot 2/10 remains in Mr Buckingham's ownership the hedge could not be removed without permission. Mr Buckingham questions the evidence that a bat route exists in this area or that badgers are present on this land. There is already sufficient Species Rich Grassland in the area and if the plot is large enough for appropriate management by the Highways Agency it would be large enough for



him to use. Indeed this area could be used by the family livery business, which would be accessed from Calcutt Lodge. Siting a roundabout near this point would not make it suitable for "linear contiguous habitat".

- 5.62 Further details are sought on access for Plot 2/1F and the proposed use for Plot 2/1S, together with justification for the acquisition of Plots 2/1J, 2/1K and the plot immediately to the south of the private road. An increase in the width of the pinch point to the south of Plot 2/1D is sought, to minimise difficulties of access and further details are requested on the maintenance, ownership and rights over the proposed new access to Grove Farm. That said, Mr Buckingham has indicated that the proposed modification to the western end of the Grove Farm access track would be acceptable to him.

**Miss Barbara Butters (Obj 45)**

- 5.63 Miss Butters objects to the Published Scheme on the grounds of the loss of bridleway between Tilsworth (Dickens Lane), the loss of bridleway facilities relating to Bridleway BW49 and the existing A5, and the dangers of crossing the existing A5. She maintains that Thorn Road should be kept open and expresses concern at the apparent change of status along a number of PRoW, from bridleway to footway. In addition she queries provision of a bridleway parallel to the proposed A5-M1 Link, in particular regarding BW44 and BW15.

**Mr Jim Salkeld (Obj 46)**

- 5.64 As a resident of Fancott, Mr Salkeld objects as there would be costs and disruption accompanying the construction of the Published Scheme but no benefits would be forthcoming to the local communities. Additional traffic would pass through Chalton and Fancott, due to the lack of local road connections at the proposed Junction 11A, and no restrictions are proposed for the HGV traffic passing through these villages. He questions whether additional traffic through Streatley on the eastern side of the motorway would result from the provision of local connections, suggesting that any potential problems in this regard could be solved by further proposals.
- 5.65 He would withdraw his objection if the Highways Agency could ensure that HGV traffic would be removed from the local road network. His request for connections from the local road network to the proposed Junction 11A was taken by the Highways Agency to amount to support for AR7.

**Mr Mike Penn (Obj 49)**

- 5.66 Mr Penn, a resident of Luton, objects to the lack of local road connections to Junction 11A, which are essential to serve a number of trading estates to the north of Luton, all of which all require access to the motorway for very large vehicles. Existing local roads in the area are inadequate for large HGVs as they are too narrow, especially in the vicinity of and in Chalton village. The Highways Agency has treated this objection as support for those Alternative Routes which include local road connections, namely AR5, AR7 and AR10.

**6 ADDITIONAL REPRESENTATIONS**

The material points were:

**Mrs Lesley Smith representing Chalgrave Parish Council (Rep 1)**

- 6.1 Implementation of the Published Scheme would lead to increased traffic flows on the A5 through Hockliffe, and there would also be an adverse impact within Tebworth. The Parish Council queries whether any banking and/or noise fencing

would be installed on the northern side of the A5-M1 Link, in the vicinity of Wingfield and Chalgrave villages, as without such features these villages may well be subject to increased traffic noise. It also suggests that without such banking the A5-M1 Link might be seen from the Hill Close area of Wingfield.

- 6.2 If the proposed road is going to be lit between the A5 and the A5120, this could result in light pollution affecting Wingfield in particular. The Parish Council welcomes the information that traffic flow through Tebworth is predicted to significantly decrease if the Published Scheme was to be implemented, but seeks clarification regarding the reasoning behind such traffic forecasts.

**Mr John Rowe representing the Chiltern Society (Rep 11)**

- 6.3 The Chiltern Society makes no objection to the Side Roads Orders or to the principle of the Scheme, but does raise a number of concerns. The informal crossing proposed for the A5120, south of its junction with the proposed A5-M1 Link, does not show a central reservation. Such a feature would be essential for the safety of walkers from Footpath A11 and also for cyclists who would cross this road to use the diverted paths to cross the new bypass on the Icknield Way overbridge, near the line of Footpath 13. Many walkers may hesitate to use the long diversion anyway, but if they have to cross the A5120 on a crossing without a safe central reservation, they would almost certainly prefer to continue across the bypass on the level.
- 6.4 The Highways Agency has commented that a central reservation would impact on the frontage of The Orchard, but it would appear possible to move the crossing further north, away from The Orchard. Locally the Redbourn bypass has informal crossings with no central reservations and there have been fatal accidents to walkers crossing on these. The A5120 is a busier road.
- 6.5 The proposed Icknield Way overbridge should be located closer to the line of Footpath 40 (Icknield Way). Moving the overbridge westward would make little difference to cyclists and the diversion for walkers using Footpath A11 is already so long, that most walkers would probably continue their walk on Footpaths 13 or 40. The reasons why the Highways Agency has chosen the currently proposed position are noted, but more weight should have been given to the implications of the diversion distances for Footpath 40 and the vertical alignment of the proposed A5-M1 Link. This would allow the overbridge to be moved closer to the existing line of the Icknield Way.
- 6.6 Houghton Regis Footpath 29 should be diverted in a straight line from the A5 to the bottom of the steps of the Thorn Farm overbridge, rather than running alongside the fence of the proposed A5-M1 Link for some of its length, as currently proposed. If the footpath is not so realigned the definitive line of the path is unlikely to be used in the future, as walkers crossing the open field would aim for the visible bridge and steps. Moreover, farmers prefer to mark a path on the shortest, straight line route and it would also be more pleasant for walkers not having to walk alongside the new road for some distance.
- 6.7 Chalton Footpath 16 suffers from a similar problem to that described for Footpath 29 above, although much less severe. It would be preferable if this path was also diverted so that it joins Footpath 5 by the access to the proposed overbridge. It is noted that the Highways Agency has suggested the provision of steps to enable users to take a direct route onto the approach ramp to the bridge. This would be a satisfactory solution to this matter.

### **Mr D Gravestock for Edlesborough Parish Council (Rep 13)**

- 6.8 Edlesborough Parish Council wishes to see any weight restrictions subsequently imposed on the A5, in the wake of implementation of the Published Scheme, mirrored on the A4146 which runs parallel to the A5, to its west, to protect the villages along that route.

### **Mr H Fletcher (Rep 16)**

- 6.9 Mr Fletcher suggests that charging facilities for future electric cars should be provided near motorways and also suggests that The Bridleway between Fancott and M1 Junction 12 should be widened.

### **Mrs J Bissmire representing Markyate Parish Council (Rep 17)**

- 6.10 There could be implications for maintenance of the A5 if it were to be detrunked and become the responsibility of HCC. This could result in a drain on the limited HCC budget if the Published Scheme does not significantly reduce traffic on the A5. The Parish Council therefore suggests that the detrunking of the A5 be deferred until the A5-M1 Link has been open for a year or so. Local business traffic would still use the existing A5 and a suggested lorry ban in central Dunstable would cause chaos on local roads.
- 6.11 Delays could be caused on the A5 during construction and adequate signing would therefore be necessary. A further concern is that detrunking, by making direct progress more difficult (along the A5) would also prevent the alternative use of the ex-A5 in the future.

## **7 THE CASE FOR THE COUNTER-OBJECTORS**

- 7.1 Ten Alternative Routes have been proposed, as briefly discussed in paragraphs 1.10 to 1.11 above and covered in more detail in Docs HA/0/1 to HA/0/9 (AR4 and AR9 were withdrawn by their promoters). Outline drawings of the Alternative Routes can be found in Appendix E to Doc HA/101/3. Following publication and advertisement of these Alternative Routes, a total of 36 counter-objections were received from 16 separate counter-objectors. These can be found at Document INQ/4 and are summarised below. One counter objector, Councillor D Jones of Houghton Regis Town Council, appeared at the Inquiry and his points are included along with the written objections from this Council, detailed below.

### **Mr Bob Scarfe (Counter-Objection 1 (CO1))**

- 7.2 As a local resident Mr Scarfe objects to 3 of the proposed Alternative Routes. AR1 would assist Dunstable but no one else. The A5 would become a motorway and Markyate and Hockliffe would become desperate places to live. AR2 would destroy at least 2 SSSIs and would not benefit any surrounding villages. AR3 would simply dump traffic north of Hockliffe, such that it would then have to use local roads to get to Leighton Buzzard and Aylesbury.

### **Mr John Hateley (CO2)**

- 7.3 A local resident, Mr Hateley, opposes AR7 and AR10 arguing that to include connections from local roads to the proposed Junction 11A would bring additional traffic congestion to Houghton Regis and should not be pursued. He submitted a petition with 27 names, endorsing these views.

### **Ms Katharine Banham on behalf of The Wildlife Trust (CO3)**

- 7.4 Depending on where AR1 enters a tunnel it may potentially destroy Barley Brow CWS, which is designated for its neutral and calcareous grassland mosaic that supports a range of species. It also forms part of a wider complex of grassland sites in the Totternhoe and Sewell area.
- 7.5 AR2 would be very damaging to many sites across Dunstable that are recognised as being important to wildlife and which provide vital open spaces for local residents. The route would go through a number of CWSs and would pass through one SSSI and close to another. The route would also pass through a Wildlife Trust Nature Reserve, a Local Nature Reserve and through other important areas of open space. Pursuing this route would have unacceptable environmental consequences.
- 7.6 AR3 would pass over a CWS and would require measures to protect this important wildlife corridor. Finally, AR5, which would constitute the start of the LNB, would potentially have devastating consequences for biodiversity and the landscape. The proposed route in Bedfordshire would affect 6 CWS, 2 SSSIs and would pass through the Chilterns AONB. It would also permanently isolate some areas of lowland calcareous grassland, a priority Biodiversity Action Plan habitat, making the species found there more vulnerable to local extinctions especially as the climate changes. The scheme would have large adverse environmental consequences.

### **Mr Craig Broadbent (CO4)**

- 7.7 Local resident Mr Broadbent objects to AR3 on the grounds that it would make the A1-M5 Link of no use to eastbound traffic coming from Leighton Buzzard/Aylesbury on the A505.

### **Mr David Humby (CO5)**

- 7.8 Mr Humby, the Head of Transportation Planning & Policy at HCC, objects to both AR1 and AR2 on the grounds that they would not lead to a reduction in traffic on the A5 south of Dunstable to M1 Junction 9. Significant traffic problems already occur on this length of road, particularly where junctions provide access to and from the communities at Markyate and Flamstead. The Published Scheme is predicted to bring about a reduction in traffic of around 9% on this section of A5 and this would be an important benefit of the proposed route over the alternative routes AR1 and AR2.

### **Mrs W Austin (CO6)**

- 7.9 Mrs Austin, a resident of Hockliffe, objects to AR3 as it would result in too much traffic noise and would spoil beautiful countryside.

### **Mr & Mrs Walker (CO7)**

- 7.10 As residents of Dunstable Mr & Mrs Walker object to AR1, arguing that a bypass should avoid a town centre, not cut right through it, albeit in an unseen manner. Residents would have the unacceptable prospect of having noise and vibration from a tunnel ferrying large volumes of traffic directly underneath their properties, many of which are old, with cellars. AR1 could result in structural damage and possible devaluation. In addition the cost of such a tunnel proposal would be immense.

**Mr & Mrs Ross (CO8)**

- 7.11 These local residents strongly object to AR1. A 4.9km long tunnel beneath Dunstable would finally finish off the town as an independent place to live. Houses, shops and offices could all be destroyed and the cost of the scheme is likely to be unsustainable in the present economic crisis.

**Mr & Mrs Power (CO9)**

- 7.12 As local residents, Mr and Mrs Power contend that neither AR1 nor AR2 would meet the original aims of an A5-M1 Link, set out back in 2007 to make journey times more reliable for long distance traffic and to reduce the amount of traffic travelling to M1 Junctions 9, 11 and 12 from the local road network. Instead, both of these alternatives would redirect traffic from the A505 to a new roundabout at the bottom of Caddington Hill, and therefore back onto the A5 where vehicles would have to travel to Junction 9 of the M1 on a single-carriageway. This would be no improvement over the current situation.
- 7.13 Further problems would arise with this proposed roundabout at the Caddington Turn as there is a shared site for 3 local schools at the bottom of Caddington Hill, and a link to a bypass at this location would put many of the young children at serious risk. Moreover, the road on Caddington Hill would become a "rat-run" for drivers who would go through Caddington to reach the M1 at Junction 10. This would cause great disruption to that village.
- 7.14 AR2 would also result in damage to the Blow's Downs, which is a nature reserve owned by the Wildlife Trust and which is part of the Chilterns AONB and a named SSSI. The Blow's Downs also form a significant part of the Downside Neighbourhood Plan, published in January 2010, and contribute to the health and well-being of the local residents.

**Mr Andrew Hopper (CO10)**

- 7.15 Mr Hopper objects to AR2 as it would involve building a road across the bottom of Blows Downs. Many people in Dunstable value the area for sport and recreation, simply because it is unaffected by pollution and noise from the roads in the town. It is widely used and worth preserving.

**Mr Peter Hunt (CO11)**

- 7.16 Mr Hunt, a resident of Luton, objects to 3 of the proposed Alternative Routes. Insofar as AR1 is concerned, there is no point in a hugely expensive tunnel and both AR1 and AR2 are far less attractive than the Published Scheme. AR3 fails as it would not link up with the A505 Leighton Buzzard Bypass.

**Mr Tom Gilbert-Wooldridge on behalf of English Heritage (CO12)**

- 7.17 Notwithstanding the expense of AR1, it would cause disruption to Dunstable town centre during construction (including its conservation area and many listed buildings) as well as causing long-term and potentially permanent damage to archaeological remains. Given Dunstable's significant history as a Roman settlement, the likelihood of significant archaeological remains is high. This alternative route would not deliver the benefits to the town and its conservation area in terms of relieving traffic congestion heading to and from Junction 11 of the M1. It would divert traffic off the A5, but there would still be a substantial level of traffic using the junction of the A5/A505 to access/leave the M1.

- 7.18 AR2 would divert traffic away from Dunstable town centre and provide a new junction with the A505 for traffic heading to and from the M1, but would run close to the town centre at some points, potentially affecting the setting of Dunstable Conservation Area. It would travel very close to a scheduled monument at Zouches Farm (a deserted medieval village) and potentially affect its setting. As with AR1, significant archaeological remains could be affected along the route, particularly at its southern end.
- 7.19 AR3 (in common with AR1 and AR2) would avoid travelling as close to Thorn Spring Scheduled Monument as the published scheme, but this would be outweighed by the harm that would likely be caused to other elements of the historic environment. The Alternative Route would pass close to Tebworth Conservation Area with a number of listed buildings, as well as Hockliffe with many listed buildings, a conservation area and a scheduled monument. It would join the A5 just south of Battlesden Registered Historic Park and Garden (Grade II Listed) and would be likely to have a substantial impact on the wider historic landscape and its archaeological remains.

**Mr A G Hemming (CO13)**

- 7.20 Mr Hemming, a local resident who also appeared at the Inquiry in support of the Published Scheme, objects to AR5, AR7 and AR10 which all have connections from local roads to the proposed Junction 11A. Any such connections would result in additional traffic congestion in Houghton Regis.

**Markyate Parish Council (CO14)**

- 7.21 Markyate Parish Council objects to AR1 and AR2 as they would result in more traffic on the A5 through Markyate, which is already overloaded.

**Houghton Regis Town Council (CO15)**

- 7.22 Houghton Regis Town Council made written objections to 6 of the Alternative Routes. AR1 would be very costly and would do little to help with the traffic problems in Houghton Regis. A bypass to the east of the A5, as proposed in AR2, would result in an increase in traffic passing through Houghton Regis, especially HGVs. Although AR3 has some merit by bypassing Hockliffe, there would be no linkage with the Leighton Buzzard bypass.
- 7.23 AR6 is opposed as it would need 2 bridges across the motorway rather than the single bridge needed for the Published Scheme making it more expensive but with no apparent advantage. AR7 and AR10 are both strongly objected to, as the Town Council maintains its view that there should not be any connection of local roads to the bypass or the proposed Junction 11A, with the exception of the proposed WSC. This latter point was reinforced by Councillor Jones at the Inquiry, when he criticised the CPRE (represented by Mr Adburgham) for not consulting with Houghton Parish Council, before adding its support to those who sought local connections to the proposed A5-M1 Link.

**Ms Michelle Flynn (CO16)**

- 7.24 Ms Flynn, the Rights of Way Officer for CBC, considers that there are both positive and negative issues concerning the impact of AR8 upon BOAT No 9. The alternative access arrangement proposed under AR8 may allow the byway to be left free of agricultural traffic which may mean it could be provided with a grass surface only, rather than a hard surface having to be provided for vehicles. A completely grassed surface is likely to be of preference to walkers

and horse-riders and the amended proposal could also allow for easier gating of the byway, to prevent illegal access and assist in slowing users down before they reach the highway/roundabout.

- 7.25 On the negative side, however, concerns are expressed about any reduction in length of the byway and the proposed sharp change of direction which AR8 would introduce. CBC Road Safety Officers would also have to consider the possible implications of any change of exit location onto the roundabout.

## **8 THE RESPONSE OF THE HIGHWAYS AGENCY**

The material points were:

### **Response to the Alternative Routes proposed by Objectors**

- 8.1 As many of the objectors referred to Alternative Routes, assessments of these routes and the reasons why none of them should be preferred to the Published Scheme are dealt with first. Any alternative (except AR8, which is now a proposed modification) would need to undergo further design and environmental assessment work, and a new package of Orders would need to be prepared and published. Funding would need to be obtained for any increased cost and there could be new objections which would need to be considered within the statutory process. There can be no guarantee any Alternative Route would progress successfully through the statutory process and, as a result, there is clear scope for delay and uncertainty.

#### Alternative Route 1 (AR1)<sup>24</sup>

- 8.2 AR1 is a north/south tunnel under Dunstable. It would cost an estimated £686 million compared to £118 million for the published Scheme and would not represent value for money as the costs would exceed the benefits. It would increase traffic on the length of A5 south of Dunstable to M1 Junction 9. If that length of the A5 was upgraded to a dual 2-lane carriageway, the costs would rise further and still outweigh the benefits. AR1 would not be economically viable and would not address the A505 east/west movement through the town.

#### Alternative Route 2 (AR2)<sup>25</sup>

- 8.3 AR2 is an eastern bypass which would follow an alignment using existing roads from the A5/A505 junction in the north to rejoin the A5 south of Dunstable at its junction with Dunstable Road (to Caddington). It would be less costly than the Published Scheme, at an estimated £71 million and would be economically viable and effective in reducing traffic on Dunstable High Street but would not remove traffic from Dunstable.
- 8.4 It would carry very substantial flows of up to 36,000 vehicles per day (vpd) through the existing built up area of the town and would pass through a recently permitted housing development, currently under construction, on the north side of the A5120. It would have to use a route through that development reserved for a possible extension of the Luton/Dunstable Guided Busway. That route would not be wide enough for a road suitable for the high flows it would carry and similar difficulties would arise on the other side of the A5120 where AR2 would follow the existing Townsend Farm Road and Blackburn Road (see Doc HA/0/20).

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<sup>24</sup> Doc HA/0/1

<sup>25</sup> Doc HA/0/2

8.5 AR2 would be damaging to ecology as it would run close to an SSSI towards the north, and towards the south it would run through another SSSI and through ancient woodland. It would not provide an alternative route to and from the M1 avoiding Dunstable.

Alternative Route 3 (AR3)<sup>26</sup>

8.6 AR3 would result in an increased scheme cost of some £62 million, compared to the Published Scheme, and would increase the land required by about 31.8ha. It would not address the A505 movement to/from the M1 through Dunstable. As a result, the forecast flow in 2017 on the alternative western link, bypassing Hockliffe, would be some 16,900vpd less than the flow on the western end of the Published Scheme, between the A5 and the A5120.

8.7 A consequence of this is that traffic flows would increase significantly on some lower standard local roads, such as Thorn Road, which would carry a forecast 15,200vpd with AR3, compared to just 5,400vpd in the Published Scheme. A further example would be the Hockliffe Road through Tebworth which would carry about 10,000vpd compared to some 4,400vpd in the Published Scheme. These roads were not built to carry such levels of flow, and further mitigating measures would be needed to ameliorate any adverse impacts, thereby further increasing the overall cost of the scheme.

8.8 AR3 would clearly be effective in bringing traffic relief to Hockliffe, but less effective than the Published Scheme in bringing relief to Dunstable (one of the principal objectives of the Scheme), and to local roads. It would be more damaging to the countryside and would also be longer and therefore more expensive with a lower benefit/cost ratio.

Alternative Route 4 (AR4)

8.9 AR4 proposed an accommodation overbridge to replace the Footpath 23 overbridge. This was withdrawn by the promoter and there were no supporters.

Alternative Route 5 (AR5)<sup>27</sup>

8.10 AR5 is estimated to cost some £31 million more than the Published Scheme and increase the land-take by about 6ha. It would entail a local road connection into the east side of M1 Junction 11A, amounting to the first section of the LNB. This alternative was promoted by General Motors UK Ltd (GM) who would be directly affected by landtake required for the re-aligned B579 Luton Road. Mr Lyon appeared at the Inquiry on behalf of GM and in the light of the Highways Agency's Response, accepted that steps had been taken to minimise landtake consistent with operational and safety requirements for the B579, which forms an important part of the local road distributor network. In view of this he also accepted that there would be no need to further realign that road to enable the LNB to pass over it in the future.

8.11 It was clear that GM would have been willing to withdraw AR5 at the Inquiry, but as there were supporters it was left on the table for consideration. AR5 would increase the cost and environmental impact of the Scheme and cause substantial increases in traffic on some local roads to the east, which would be used to access the new road. For example, the 2017 traffic flow under the Core

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<sup>26</sup> Doc HA/0/3

<sup>27</sup> Doc HA/0/5



Scenario on Sundon Road (Streatley) is forecast at 11,800vpd under the Published Scheme, whereas it would be 20,400vpd with AR5. The Published Scheme meets its objectives without having these disadvantages.

- 8.12 AR5 would amount to part of the proposed LNB which is being brought forward by the local highway authority, CBC, in conjunction with development north of Luton. It is better to consider the question of local access at Junction 11A when details of the quantum and layout of that development, and the development north of Dunstable, are known, and taking into account the emerging proposals for the WSC. For example it is not known at present whether the LNB would extend east from the M1 as far as the A6 or the A505 and this has a substantial effect on the traffic flows it would carry to and from M1 Junction 11A, and on the size of the infrastructure required.

Alternative Route 6 (AR6)<sup>28</sup>

- 8.13 AR6 is a single large roundabout in place of the dumb-bell arrangement for Junction 11A. It would offer no significant advantages over the Published Scheme. It would reduce the land-take by about 1ha and would marginally increase the costs by about £3 million without adding additional capacity. It would require future traffic from the A5-M1 Link to the proposed WSC to travel further. Vehicle speeds on a large roundabout would be greater than with the dumb-bell arrangement, thereby increasing the potential severity of accidents.

Alternative Route 7 (AR7)<sup>29</sup>

- 8.14 AR7 has been the focus of local access objections based on the effect of the Published Scheme on traffic flows in Chalton, but although Chalton is important it should not be concentrated on to the exclusion of other locations. With the Published Scheme, in the Scheme Design Scenario (which includes local development), there would be substantial traffic flow reductions in villages (as well as in Dunstable itself). In north Toddington flows are predicted to reduce from 16,600vpd to 11,700vpd (a decrease of 30%); in Tebworth there is predicted to be a 71% reduction from 8,300vpd to 2,400vpd in the east, and a 54% reduction in the west from 4,600vpd to 2,100vpd. The overall effect of the Scheme on local roads, weighing the advantages against the disadvantages, is considered to be beneficial and acceptable, despite the 12% increase predicted in Chalton from 9,100vpd to 10,200vpd (Doc HA/105/3, fig G-1).
- 8.15 It is of note that that "no development" scenarios show no traffic flow increase in Chalton (Doc HA/105/3, figs G-3 to G-6) and that the Houghton Regis Development scenario (which includes local development together with the WSC) also shows no traffic increase in Chalton (Doc HA/105/5 fig G-8 rev A). This shows that Chalton is protected against increased traffic flows provided that the WSC and local development come forward in tandem. CBC, which would promote the WSC, is in a position to do this. Traffic predictions show no adverse impact on traffic flows in Chalton with the further addition to the network of the LNB and related development (Doc HA/105/5, fig G-7 rev A).
- 8.16 The current strategy of building the A5-M1 Link, with the WSC and the LNB coming forward through the planning system later, is the right one and offers very substantial benefits for travellers and local communities. AR7 could

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<sup>28</sup> Doc HA/0/6

<sup>29</sup> Doc HA/0/7

undermine that strategy and in so doing could cause adverse traffic effects in Houghton Regis and in the villages on the east side of the M1 at Lower Sundon and Streatley.

- 8.17 Compared to the Published Scheme the traffic predictions for AR7 show substantial increases on some roads. Sundon Road in Houghton Regis would experience a 17% increase from 13,300vpd to 15,500vpd; on Sundon Road between Luton Road and Sundon Park Road, where the road is sub-standard over the railway bridge there would be a 50% increase from 11,500vpd to 17,300vpd; and on Sundon Road towards Streatley there would be a 46% increase from 11,800vpd to 17,200vpd. These traffic flow increases alone are sufficient to show that AR7 should be rejected.
- 8.18 In addition, to go ahead with an alternative proposal would be likely to introduce delay and uncertainty. AR7 would require an additional statutory process and increase the cost of the Scheme by about £10 million and increase the land-take by about 4.5ha. It would risk a delay in all the benefits the Published Scheme would bring for travellers, for Dunstable, and for local villages. Chalton has nothing to fear, and something to gain, provided development north of Houghton Regis and the construction of the WSC are co-ordinated by CBC.

Alternative Route 8 (AR8)<sup>30</sup>

- 8.19 AR8 is the subject of an agreed proposed modification (see para 3.100 above). It would provide a new alignment for the northern end of the realigned BOAT No 9 and a wider PMA/BOAT directly from the proposed western B579 Luton Road roundabout. A 5m wide track in a 12.2m wide corridor has been allowed for the shared section, with a 4m wide track in a 12.2m wide corridor for the portion of the realigned BOAT intersecting with the shared facility.
- 8.20 In comparison to the Published Scheme AR8 would result in increased construction costs of around £7,200 and would not increase the land-take of the Scheme, although it would involve accommodation works on land now owned by the promoter of this route, the Trustees of M J Shanley Ltd (Obj 23). AR8 is comparable with the Published Scheme and would have no major cost, time or Statutory Process implications. It should therefore be implemented.

Alternative Route 10 (AR10)<sup>31</sup>

- 8.21 AR10 comprises some elements of AR7 together with an elongated eastern dumb-bell roundabout which would connect directly to the B579 Luton Road. The existing B579 bridge over the motorway would be retained. AR10 is estimated to cost about £5 million more than the Published Scheme, and would require an additional 1ha of land. However, this arrangement would not provide sufficient capacity for the forecast traffic demands, when planned development takes place in the future, because local traffic as well as longer distance traffic using the motorway would be required to mix together at the junction.
- 8.22 In addition (as with AR7), there would be substantial increases in traffic flows on local roads to the east of the M1 when compared to the Published Scheme. For example, Sundon Road over the railway bridge would carry 18,300vpd compared to 11,500vpd (an increase of 59%); similar figures would apply to

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<sup>30</sup> Doc HA/0/8

<sup>31</sup> Doc HA/0/9

Sundon Road towards Streatley, whilst Luton Road south of the junction would carry 13,700vpd compared to 6,300vpd with the Published Scheme, an increase of some 117% (see Doc HA/0/9, Tables 9-2 and 9-3).

- 8.23 Although an economic assessment has been presented for AR10, it is considered unrealistic as Junction 11A would need to be substantially larger than that shown in the advertised AR10 in order to achieve the necessary junction capacity. This would be required in order to enable it to accommodate both strategic trips (as with the Published Scheme) and those trips using local roads through Junction 11A. A hypothetical modification to AR10, with more capacity, was represented in the traffic model and using the PVB from this assessment and the cost of the Alternative, a BCR of 6.13 was obtained. However, the costs of the modified Alternative have not been identified but would be substantially higher than the advertised AR10, causing the BCR to reduce.

### **Response to Objections presented at the Inquiry**

#### *Response to Mr John Campbell (Obj 14)<sup>32</sup>*

- 8.24 Mr Campbell's proposal of an A5 to A5 bypass of Dunstable has been treated as an Alternative Route (AR2). This is assessed and responded to in Doc HA/0/2 and has also been covered in paragraphs 8.3 to 8.5 above.
- 8.25 The Published Scheme would bring traffic relief to Dunstable, as demonstrated in the Highway Agency's Traffic evidence (Docs HA/105/1-5), and shown diagrammatically in Appendix G to Doc HA/105/3 for a range of traffic assessment scenarios. Moreover, the proposed detrunking of the A5 would allow the CBC to consider measures to further reduce traffic flows through Dunstable. In contrast to Mr Campbell's suggested alternative A5 bypass proposal, the Published Scheme would provide a new motorway junction which would allow the local Highway Authority to pursue its proposals for the WSC. In turn, this would offer an alternative route for local traffic to access the motorway and would thereby assist in reducing traffic flows through Chalton, Fancott and Toddington.
- 8.26 Mr Campbell's concerns about traffic diverting off the motorway in an emergency are noted, but the highway network is designed for normal traffic situations, not those that result from occasional situations when an accident or incident occurs. It is accepted that if there is an incident or accident on the trunk road or motorway network then drivers will seek an alternative. In such instances, a strategic signing system can be activated to direct traffic to the most appropriate alternative routes. Other improvements are designed to increase the capacity of the M1, including the implementation of HSR on the M1 between Junction 10 to 13 on-going improvements to Junctions 11 and 12 and the recently completed M1 Junction 6A to 10 Improvements.
- 8.27 The Published Scheme does not include the building of any housing or employment development as any such development would need to receive a specific grant of planning permission. However the A5-M1 Link has been developed in consultation with the Local Planning Authorities and is compatible with the emerging draft LDF. As noted earlier, a number of traffic growth scenarios have been assessed, including traffic associated with possible major

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<sup>32</sup> Doc HA/R/OBJ14/1

development in the Houghton Regis area. The Published Scheme is predicted to perform satisfactorily under each scenario.

8.28 This objection should not be upheld.

*Response to Mr Russell Currell on behalf of Chalton Parish Council (Obj 19)*<sup>33</sup>

- 8.29 Mr Currell's proposals for a single roundabout to replace the proposed dumb-bell arrangement at Junction 11A and for local connections to Sundon Road and Woodside Connection have been treated as Alternative Routes AR6 and AR7 respectively. These are assessed and responded to in Docs HA/0/6 and HA/0/7 and are also covered in paragraphs 8.13 to 8.18 above. In summary the assessment of the Alternative Routes has concluded that the Published Scheme is preferred in both cases.
- 8.30 The form and alignment of any local road connections to Junction 11A should be promoted by the local highway authority, CBC. This would ensure that any such connections would be in an optimum position to serve existing communities and businesses, would meet the requirements of future development planned for the area, and would be constructed at a time that best suits planned usage.
- 8.31 The Published Scheme has therefore been designed so as to not preclude future local roads, such as the LNB and the WSC, from connecting into Junction 11A. The LNB is being promoted by CBC and has a preferred route which passes between the industrial units on Camford Way and the community on Sundon Road east of the Midland Mainline Railway. The WSC, has a Preferred Option status and is also being promoted by CBC. During the course of the Inquiry CBC, confirmed that the latest proposals for this scheme include that element referred to by Mr Currell and others as the "Sundon Road Link" (see Doc HA/0/33).
- 8.32 Traffic impacts within Chalton are reported in the A5-M1 Link ES. The assessments contained in the published ES are based on an assumed opening year of 2014, but as a result of the postponement of the previous Public Inquiry this date will not now be achieved, with the anticipated new opening year being 2016. To address any implications of this delay, the environmental baseline and relevant traffic data has been updated. The published ES assessments have been reviewed in the light of the updated environmental baseline and traffic data and the findings are presented in a series of Technical and Review Notes<sup>34</sup>.
- 8.33 The planned housing development and employment opportunities in the greater Luton and Houghton Regis areas have been modelled in the traffic forecasting which has been undertaken. This modelling demonstrates that with the A5-M1 Link, traffic flows would increase on some local roads and decrease on others. In the Scheme Design Scenario (see para 3.22), daily traffic flows in 2016 are predicted to increase by some 1,100 vehicles through Chalton.
- 8.34 However, in the Core Scenario, which fixes all growth (in terms of population, housing and employment numbers), at planned 2011 levels within southern Bedfordshire and Luton Districts, 2017 daily flows within Chalton are predicted to decrease by some 2,800 vehicles. This demonstrates that it is not the construction of the Published Scheme itself which would have an impact on

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<sup>33</sup> Doc HA/R/OBJ19/1

<sup>34</sup> Deposit Documents 157, 162 to 171 (excluding 165) and 182

traffic flows within Chalton, but rather the significant growth planned for the area. This point appeared to be recognised by Mr Currell, although he maintained the view that AR7 was the Parish Council's preference and reacted against the proposition that the delay it might cause should weigh against it. Nevertheless, he indicated that the Parish Council would be happy if the Published Scheme is built and the WSC is brought forward in conjunction with development north of Houghton Regis.

- 8.35 The implementation of HGV restrictions within Chalton and elsewhere would be matters for CBC, as local highway authority, and do not form part of the Published Scheme. Vehicle restrictions and diversion routes are, however, discussed as part of the on-going consultation process with local highway authorities.
- 8.36 Noise and vibration is dealt with in Doc HA/106/2. This indicates that in 2016 there would be a negligible change in noise levels (-1 to +1 dB) across Chalton village as a result of the Published Scheme, when compared to the noise levels without the Scheme. In 2031 there would still be a negligible change in noise levels (-1 to +1 dB) to the properties fronting the B579 through the village with the A5-M1 Link, when compared to the noise levels in 2016 without the Scheme. There would be noise decreases across the rest of the village (-1 to -3 dB), classed as negligible/minor beneficial, arising from the provision of low-noise road surfacing on the motorway some time before 2031. In summary the results of the assessment are that the provision of noise mitigation in relation to the B579 through Chalton is not required and accordingly it is not proposed.
- 8.37 Light pollution would be minimised by the use of the latest lighting technology. This would ensure that light is concentrated solely on the carriageway and verges and not onto the surrounding fields or upwards. The ES explains that the village is outside the night-time zone of visual influence and accordingly would not be subject to light pollution from the A5-M1 Link. In any case, street lighting already exists on the B579 through the village. Turning to air pollution, the ES has concluded that air quality in Chalton would not be significantly affected by the proposed A5-M1 Link as the change in concentrations of pollutants emitted from road vehicle exhausts would be negligible.
- 8.38 Any detriment to Chalton village during construction would be minimised as a construction methodology for the Scheme has been developed and is detailed in the CEMP (DD99 and DD99A). One aspect of this would ensure that the works' sites would be accessed from the motorway and from the A5. This should minimise the need for heavy works vehicles to use the A5120, B579 and B530 during construction. Any additional need for traffic management, short-term local road closures for safety reasons or unusual working activities/hours would be communicated in advance and adequate alternative arrangements would be made for local access.
- 8.39 Turning to Junction 11A, and support for AR6, the proposed dumb-bell arrangement is a standard layout utilised across the country for interchanges. Drivers would therefore be familiar with such a layout which offers a number of advantages over a single large roundabout. It would maximise the distances between Junction 11A and the adjacent Junction 11 and Toddington Motorway Service Area, thereby maximising the weaving lengths between these entries and exits. It would also reduce the impacts on the source of the River Flit and Long Meadow Farm and would result in a reduction in cost, as only one bridge is required to be constructed and less carriageway would need to be provided.

- 8.40 In operational terms a dumb-bell arrangement would allow right turning traffic at each of the roundabouts from the 'side' approach roads. This would be an advantage of the Published Scheme if the WSC were to be added, because trips from A5-M1 Link to the WSC would not need to cross the motorway bridges, which would be the case for a single large roundabout. In safety terms a single large roundabout would increase traffic circulation speeds thereby potentially increasing the severity of collisions at entry and exit points to the roundabout and the possibility of loss of control incidents at the end of the straight sections.
- 8.41 Although Mr Currell has expressed concern about the treatment of footways, the needs of pedestrians and other NMUs have been fully considered in the design of the Scheme. The ES explains the process of assessment of baseline conditions, impact of the Scheme and the mitigation to be provided. Details of the provision for NMUs in the vicinity of Chalton and Junction 11A are shown on Drawing No D110843/SK/189 in Doc HA/R/OBJ19/1.
- 8.42 Finally it is the Highways Agency's view, contrary to Mr Currell's assertion, that the Published Scheme would bring benefits to Chalton. In particular the revised road layout being proposed for Sundon Road and Luton Road would improve access to key services and facilities in Houghton Regis for the residents of Chalton. In addition, provision of the A5-M1 Link would take strategic traffic off local roads and would provide opportunities for the local highway authority to enhance their network through other improvements.
- 8.43 This objection should not be upheld.

*Response to Mr Mark Sullivan (Obj 30)*

- 8.44 Mr Sullivan's suggested network strategies involve the closure of Junctions 11 and 12, but such options were considered at the Junctions Public Inquiry in 2010 after which the Secretary of State accepted the Inspector's recommendation against closure and in favour of improvement. Those improvements are currently under construction. Because of this, the Highways Agency declined to carry out the extensive and costly assessment work which would have been required to undertake modelling work on Mr Sullivan's suggested alternative strategies.
- 8.45 His suggestion of "a review of the network strategy for the M1 corridor in the Luton and South Bedfordshire area ..... involving the local authority roads existing and possible" (Mr Sullivan's Further Statement dated 20th February 2012 – Doc MAS/3/OBJ30) is beyond the scope of the present Inquiry which is a public local inquiry into specific orders under the Highways Act 1980 for a particular scheme. Moreover, the suggestions were put forward too late to enable the Highways Agency to carry out the necessary assessment work within the timescale of the Inquiry.
- 8.46 Mr Sullivan expressed the view that the Published Scheme would not achieve very much in terms of reducing traffic flows on existing roads. However, in the Scheme Design Scenario there are predicted to be substantial traffic reductions in north Toddington (30%) and Tebworth (to the east, 71%, to the west, 54%); and in Dunstable north/south traffic flows are predicted to decrease by 16% (HA/105/2, para 7.46).
- 8.47 The Published Scheme would achieve its objective of providing a route for A505 and A5 traffic to/from the M1, avoiding Dunstable town centre. In addition, it would provide the opportunity for further traffic reductions to be achieved in

- Dunstable town centre by traffic management measures after detrunking. It would also enable further traffic benefits to be obtained by allowing the WSC and the LNB to be brought forward to link to Junction 11A.
- 8.48 Mr Sullivan expressed the view that there would be increased traffic flows on the M1, which he maintains is already overloaded, and that the Scheme would result in 3 motorway junctions and a Motorway Service Area in close proximity, which would lead to high entry/exit movements and associated weaving. These points are acknowledged, but the weaving lengths between the various junctions, including Junction 11A, were considered during the 2010 Public Inquiry referred to above, and were approved by the decision of the Secretaries of State in autumn 2010.
- 8.49 Although it is also accepted that at the predicted levels of flow, the improved motorway would be busy for much of the day, the view of the Highways Agency's traffic witness is that it would not be overloaded. Moreover, whilst some local origin to local destination trips may transfer onto the motorway, the Published Scheme does not connect local roads at Junction 11A and any local access to the strategic road network would therefore need to be via the proposed A5120 roundabout. Consequently, the minimum length of a local origin to local destination trip must be a distance of more than 7 kilometres (some 4.3 miles) on a trip between the A5120 roundabout and Junction 11.
- 8.50 Despite Mr Sullivan's objections to the Published Scheme, it is of note that in his statement to the Public Inquiry in June 2010, dealing with the M1 Junction 10 to 13 Improvement, he stated that "Junction 11A should be built as proposed under its separate Orders and the desire for the "Dunstable Northern Bypass" achieved. It is also noted that there is no response from Mr Sullivan on the point that his alternative network strategies are beyond the scope of the present Public Inquiry and contrary to the recent decisions of the Secretary of State to carry out improvements to Junctions 11 and 12, which are underway.
- 8.51 The procedural matters raised by Mr Sullivan in his Further Statement to the Inquiry (Doc MAS/3/OBJ30) do not go to the heart of the specific matters which are under consideration through the current Orders. The points are therefore not responded to in detail here. Reliance is, instead, placed on the already submitted documents which relate to this matter (***INSPECTOR'S NOTE** – also see Appendix 4 to this report*).
- 8.52 However, in summary, nothing should be read into the use of the word "ruling" by the Highways Agency in paragraph 6 of HA/0/27. This is Mr Sullivan's word which originated in his Doc MAS/3/OBJ30. The facts are that Doc INQ/1, issued by the Inspector, is entitled "Comments"; in it the Inspector requested Mr Sullivan's reasons as a matter of urgency (4th para); the Inspector expressed his views on the basis of the evidence currently before him (5th para); and he referred to the absence of evidence to the contrary (7th para).
- 8.53 These facts show that the Inspector had not reached a concluded view and was willing to consider evidence and reasons from Mr Sullivan. Further opportunities were given to Mr Sullivan at the Inquiry to provide additional information or reasons but he chose not to. Whilst the procedure followed could have been different, it did not result in a breach of the principles of natural justice.
- 8.54 With regard to the June 2010 Inquiry into the M1 Junctions 10 to 13 Improvement, the Junction Improvements Scheme and the A5 - M1 Link Scheme were not "divided for Inquiry purposes" as asserted by Mr Sullivan.

These have always been separate schemes, each of which is justified on its own merits, and has its own statutory process. Mr Sullivan was advised of this in a letter from the Highways Agency dated 25 May 2010 (OBJ\_13\_08 contained in Appendix B of HA/RB/OBJ30/1).

8.55 This objection should not be upheld.

*Response to Mr Thurstan Adburgham on behalf of CPRE (Obj 31)*

- 8.56 As explained at the Inquiry (and contrary to the assumptions of many objectors), the latest proposals for the WSC would provide a link to Sundon Road as well as to the western dumb-bell roundabout at Junction 11A, as proposed through AR7. Although this would allow traffic from north Luton and the surrounding area to access the motorway at Junction 11A, it would not necessarily prevent HGV drivers from using the B579 through Chalton. This is because the route between Luton Road South and M1 North, via AR7, would be approximately 1.5 km longer than the route via the B579 and B530 through Chalton to Junction 12. As such it could prove less attractive to drivers of HGVs, unless a weight restriction or similar Traffic Regulation Order was implemented in the village.
- 8.57 Such restrictions are being discussed by the Highways Agency with CBC and others as part of a future wider traffic management strategy for the area. CBC, as the highway and planning authority, is best placed to determine the optimum phasing and timing of the various pieces of planned infrastructure so that detrimental impacts can be minimised.
- 8.58 The Highways Agency's reasons for discounting AR7 have already been detailed above (paras 8.14 to 8.18) and are given in full in Doc HA/0/7. In summary there would be a detrimental impact on other local roads in the area with, in particular, increases in flows on Sundon Road out of Houghton Regis and on the C198 from the A6 at Streatley to Luton Road. Both of these increases, due to the attraction of accessing the motorway at Junction 11A, would be greater than the predicted traffic reduction within Chalton itself. Implementation of AR7 would also lead to increased environmental impacts, due to the increase in scale of the construction.
- 8.59 It is acknowledged that AR7 would result in an increased Net Present Value (albeit with a reduced value-for-money parameter - BCR). But this simply provides an early indication that the WSC, in its entirety, is likely to provide positive transport economic efficiency benefits and would therefore be in the public interest for CBC to promote.
- 8.60 Pursuing AR7 now would also involve additional statutory processes which would have the potential to delay the procurement of the A5-M1 Link and the rest of the WSC, impacting on the emerging LDF. Whilst it is accepted that it may be possible for any such statutory processes to be accommodated before the planned start of construction of the Published Scheme, CBC is minded that the WSC is procured as a single entity and be operational in 2017. If AR7 is included as part of a revised A5-M1 Link the provision of A5-M1 Link and the WSC would involve 3 statutory processes (the current one, one involving AR7 and another involving the rest of the WSC) instead of 2, as is the case with the current proposals. This would be more expensive.
- 8.61 These points demonstrate that the Published Scheme is the most appropriate solution, mindful that major local road connections to the proposed Junction



- 11A could be provided by others in a location and timescale that better suits the planning process and availability of funding.
- 8.62 With regard to the lighting proposed in the Published Scheme, at the western end the standard requires that lighting be continued for 1.5 x Desirable Minimum Stopping Sight Distance (SSD) from the end of the eastbound dedicated left turn lane from the A5 north (see DD125, para 3.16). This equates to 443m (1.5 x 295m) at a 120kph Design Speed. However, approval has now been given for a Departure from Standards to limit the extent of lighting for the scheme. As a result, it is now proposed to reduce the above lit distance to 215m, as shown in Drawing No I/D110843/SK/336 in Appendix A of Doc HA/RB/OBJ31/1. In addition the roundabouts at the A5 and A5120 would be lit, for safety reasons.
- 8.63 There are two elements to the Departure detailed above. One is a reduction in the SSD from 295m to 215m, appropriate to a Design Speed of 100kph rather than the 120kph initially used. The other element is a reduction of the multiplier from 1.5 to 1.0. In combination, these two reductions account for lower speed, as traffic leaves the roundabout, and balance safety considerations with the desire to reduce the extent of lighting where possible. As noted above, this would result in a reduction of over 50%, from 443m to 215m. It is noted that Mr Adburgham seeks a further reduction, for example to 0.5 SSD. The application of Standards to lighting at this point on the Published Scheme could be reviewed if the Inspector so recommends.
- 8.64 Subsequent to the publication of the National Planning Policy Framework, Mr Adburgham argued that the CPRE's case was supported by its paragraph 125. However, this paragraph is not relevant to the specific site under discussion as firstly, the only local amenity in the area is the affected footpath network, from where the already lit A5 with associated A505 junction and the new provision would be visible; secondly, the area is not an intrinsically dark landscape, being on the edge of the Dunstable/Houghton Regis conurbation and with the area to the south of the proposed road likely to be the subject of a planning application within the next year; and thirdly, there are no designated areas of nature conservation in the vicinity of the lighting that is being challenged by CPRE.
- 8.65 The extent of lighting now proposed strikes the balance between visual intrusion, cost and safety and is not based on unnecessarily rigorous adherence to DMRB but on sound engineering judgement, supported by the requisite British standards<sup>35</sup> as required in TD34/07 "Design of Road Lighting for the Strategic Motorway and All Purpose Trunk Road Networks" (DD125). Accordingly, the Highways Agency's position regarding the extent of reduced lighting at the western end of the Scheme, presented at the Inquiry, remains unchanged by paragraph 125 of the Framework.
- 8.66 At the Inquiry Mr Adburgham concentrated on the lighting proposed for the western end of the Scheme, but in his original written objection of February 2010 he also raised concerns about the extent of lighting proposed for Junction 11A. This matter was not raised by Mr Adburgham at his Inquiry appearance, but neither was any firm indication given that the matter had been dropped. It is appropriate, therefore, to reiterate the current position regarding this matter, as set out in Doc HA/0/31.

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<sup>35</sup> BS EN 13201 Road Lighting and BS 5489 Code of Practice for the Design of Road Lighting

8.67 This explains that the quantum of lighting currently intended for Junction 11A has been substantially reduced from that originally proposed, because of the following points: the decision not to light the M1 HSR Scheme; the resulting impact of this decision on the lighting of the Junction 11A slip roads; an approved Departure from Standards for the southbound slip road from the eastern dumb-bell roundabout; and on-going discussions with CBC in relation to lighting on the proposed local road network.

8.68 This objection should not be upheld.

*Response to Mr Julian Lyon on behalf of General Motors UK Limited (Obj 39)*

8.69 The alignment of the diversion of the B579 Luton Road in the Published Scheme has been considered by the Highways Agency in detail with CBC and already makes use of a Departure from Standards. This relates to horizontal alignment and forward visibility for a Design Speed of 100kph and results in an alignment similar to that which would be desirable for a 60kph design speed.

8.70 The indicative alignment illustrated by Mr Lyon (see Doc INQ/2) would result in 2 tight bends which would be likely to impact on safety. Furthermore, the visibility splays which would be needed to complement the bends shown in this illustrative layout would be a major source of additional land take as they would have to be within the new highway boundary, under the full control of CBC. Overall, the design as presented in the Published Scheme would minimise land take requirements within safety and geometric constraints.

8.71 GM's concern over disruption due to the construction of the Published Scheme and subsequent disruption if/when the LNB is constructed is understood. However, as the LNB is not part of the Published Scheme, has no identified funding and has not advanced through its Statutory Process, a concurrent construction of the two schemes is not possible. The vertical alignment of the B579 Luton Road in the Published Scheme has been designed to ensure sufficient clearance of a LNB bridge over the B579 Luton Road.

8.72 The width of this structure would be heavily influenced by the easterly limit of the new LNB connection, as this would determine the amount of traffic which it would be expected to carry. The A5-M1 Link works would be carried out so as to avoid any unnecessary complication to any subsequent works, with only limited night-time closures of the B579 Luton Road anticipated.

8.73 The A5-M1 Link has been designed with future connectivity in mind, and additional modelling has been carried out to confirm that both a LNB and a WSC, to be implemented by others, could be satisfactorily accommodated. The Scheme has also been designed to reduce disruption to the local communities and businesses as much as possible during construction, as detailed Docs HA/104/1 to 4.

8.74 It is noted that GM raises no in principle objection to the Published Scheme and that it would have been willing to withdraw AR5 at the Inquiry. However, as there were other supporters for this proposal it was left on the table for consideration. A fuller assessment of AR5 and the reasons why the Highways Agency does not support this proposal is given in Doc HA/0/5 and in paragraphs 8.10 to 8.12 above.

8.75 This objection should not be upheld.

## Response to Written Objections

- 8.76 Many of the objectors who chose to rely on written submissions repeated matters raised by those objectors who appeared at the Inquiry. Matters which come under this category include the absence of local road connections at the proposed Junction 11A; the complex nature of Junction 11A; the speed and volume of traffic, especially HGVs, passing through Chalton and Toddington; the need for HGV bans in Chalton, Toddington and Dunstable; the lack of benefits to Chalton and the potential impact on village residents; the limited effect the Published Scheme would have within Dunstable; and concerns about the capacity of the M1. Such matters have already been addressed above and are not repeated here.
- 8.77 Some of the written objections did, however, raise site specific matters, or matters not covered elsewhere and these are dealt with below. The Highways Agency's view is that with the exception of those instances where modifications are recommended, none of these objections should be upheld.

### *Response to Mr P Valks (Obj 1)*<sup>36</sup>

- 8.78 Noise assessments have been undertaken in accordance with standard guidance and computer modelling has shown the assessments to be reliable and realistic. The modelling indicates that Mr Valks' property would experience negligible to minor decreases in noise levels and therefore additional noise bunding or similar provision would not be justified. The bunding as proposed in the Published Scheme would provide appropriate mitigation against noise and visual impacts of the Scheme. Modelling work has also shown that there would be a negligible effect on Air Quality in the vicinity of Mr Valks' property.
- 8.79 The carriageways of Junction 11A and the associated local roads would be lit for safety reasons, but light would be concentrated onto the carriageway and verges and not onto the surrounding field or upwards, as already noted. In any case, the proposed lighting would be some 160m away from Mr Valks' property, and screened by intervening vegetation. It should be noted that whilst it was originally intended to use 15m high lighting columns on the Junction 11A dumb-bell roundabout, it is now planned to use lower, 12m columns at this location.
- 8.80 The screening is not solely dependant on vegetation contained within Network Rail land as the proposals also include planting between Luton Road and the railway corridor. This planted area would be maintained by the Highways Agency and would include woodland tree planting on the proposed bund. In addition, the hedge alongside Mr Valks' property could be allowed to grow higher to provide further screening without its roots having any significantly adverse impact, especially as the hedge is some 5m from the dwelling.
- 8.81 Finally, there would be no change to the crossing facilities of the railway, but the situation for pedestrians and cyclists would be improved by the provision of new NMU facilities on adjacent local roads as part of the Published Scheme.

### *Response to Mr M G Ford (Obj 4)*<sup>37</sup>

- 8.82 It is not normal procedure to detrunk roads unless there are clear operational or planning reasons or an alternative section of trunk road is being provided (as in

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<sup>36</sup> Doc HA/R/OBJ01/1

<sup>37</sup> Doc HA/R/OBJ04/1

this case). There are no financial or operational reasons to detrunk the A5 for any longer than the proposed section from M1 Junction 9 up to the roundabout at the western end of the Published Scheme. Implementing either of Mr Ford's proposals would leave Milton Keynes without a trunk road which would have serious implications for development proposed in the area.

*Response to Mr D Y Buckingham (Obj 13)<sup>38</sup>*

- 8.83 The existing access off the A5120 to Mr Buckingham's land would be retained under the Published Scheme. In addition the stream crossing requested by Mr Buckingham would be provided as accommodation works. Preliminary details have been provided to Mr Buckingham and it is understood that he would obtain the necessary consents from the relevant drainage authorities.
- 8.84 Mr Buckingham's concerns about the need for certain plots of land to be acquired are noted. It is confirmed, however, that all the land detailed in the draft CPOs would be essential for the scheme. Rights are required where continued land re-entry is needed to carry out further works such as excavation, inspection, maintenance, renewal and replacement. This may include the need to cleanse, widen and deepen the watercourse. Plots 2/1G and 2/1H, specifically referred to by Mr Buckingham, would be needed to provide for landscaping and the mitigation of adverse effects arising from the Scheme. A Right over Plot 2/2A would be required to maintain access to the upstream end of the existing culvert under the Grove Farm access track, which is part of the overall proposed drainage system.
- 8.85 It is noted that Mr Buckingham would find the revised access arrangements at the western end of the Grove Farm access, acceptable. This is the subject of a proposed modification as detailed in paragraphs 3.96 to 3.97 of this report.

*Response to Mr Kevin Cutler (Obj 16)<sup>39</sup>*

- 8.86 Mr Cutler lives more than a mile from the Published Scheme and the Noise and Air Quality assessments show that there would be no perceivable noise increase as a result of the operation of the A5-M1 Link and no change in the air quality at his property as a result of the Published Scheme. Overall the air quality in Dunstable would improve as a result of a reduction in traffic flows.
- 8.87 Mr Cutler's concerns regarding the LNB are noted. However, this is a separate scheme, currently being promoted by CBC. Whilst the design of Junction 11A would not preclude future connection of a LNB, this scheme would need to be fully assessed and pass through its own statutory process.
- 8.88 In terms of traffic impacts of the Published Scheme, the traffic modelling for the A5-M1 Link demonstrates removal of through traffic from Dunstable, which is a key objective of the Scheme. The proposed detrunking of the existing A5 would allow CBC to better control traffic within Dunstable to suit local needs. Traffic patterns in the Sundon Park area would remain generally unchanged without local connections to the proposed Junction 11A. Concerns about the capacity of the M1 motorway itself are noted, but 2 improvement schemes are currently being implemented, namely the Junction 10 to 13 HSR and the Junctions 11 and 12 Improvements. These are intended to deal with the increased flows anticipated on this key section of the strategic road network.

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<sup>38</sup> Doc HA/R/OBJ13/1

<sup>39</sup> Doc HA/R/OBJ16/1

- 8.89 The proposed A5-M1 Link would provide a higher quality route, built to a better standard than the existing network. This would provide a safer driving environment, with segregation of NMU where possible, such that the number of accidents on the existing route and on the A505 would be expected to decrease as a result of removal of through traffic from Dunstable.
- 8.90 Finally, it is acknowledged that approximately 65ha of BMV agricultural land would be taken for the construction of the Published Scheme. However, this would be mitigated by landscaping and planting amounting to some 44ha. Five farms would be affected, but each would retain sufficient land, including access across the scheme, to remain viable working farms.

*Response to Mr Nigel Brigham on behalf of Sustrans (Obj 17)<sup>40</sup>*

- 8.91 A detailed response has been provided to all of the 32 points raised by Sustrans, but no further correspondence has been received from this objector since it submitted a proof of evidence for the postponed 2010 Public Inquiry. It is therefore not possible to know to what extent its concerns may have been satisfactorily addressed.
- 8.92 The Published Scheme has been developed to avoid, reduce and/or offset, where possible, any negative impacts on the environment. It offers the opportunity for economic, travel, environmental and safety benefits by providing an alternative route for long distance traffic and a net reduction in traffic flows in Dunstable and improvements to journey-time reliability in this corridor. These benefits, which would arise both to Dunstable and in the wider area, would significantly outweigh the adverse impacts and there is a compelling case in the public interest for the Scheme to proceed. It would reduce travel distances and fuel use and the construction vehicle greenhouse emissions would be minor in relation to overall vehicle emissions reductions over the full design period.
- 8.93 Implementation of the Published Scheme would also provide opportunities for further environmental and safety improvements to be implemented on the detrunked A5, following the re-routing of the trunk road traffic to the A5-M1 Link. These latter opportunities would fall to be considered by the local highway authority. The Scheme would also give rise to opportunities for the local highway authorities to improve public transport on the A5 and A505 corridors following the removal of traffic from the centre of Dunstable. The reduction of traffic would also improve accessibility for non-car users. It is acknowledged that some parts of the local road network might experience an increase in traffic but the net impact would be a reduction in traffic on the overall local network.
- 8.94 The needs of walkers, cyclists and equestrians have been considered in the Published Scheme, as detailed in the ES (DD1), with the draft Orders having been prepared after consultation with the local highway authority and interested groups representing NMUs. As a result, the closure and realignment of footpaths and bridleways would be kept to a minimum and no footpaths would be stopped up without an alternative being available. Particular attention has been given to the Thorn Farm overbridge, which has been designed to facilitate future use by cyclists and equestrians in anticipation of a future Icknield Way Trail equestrian route. In addition, there is extensive provision for NMUs at the

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<sup>40</sup> Doc HA/R/OBJ17/1

other bridges along the Scheme, and further provisions and improvements for NMUs are included within the overall Scheme, as detailed in Doc HA/R/OBJ17/1.

- 8.95 Although the Published Scheme is only one part of the overall transport strategy being implemented in the area, it supports local and regional development plans and Government policy and is a key component of the emerging Core Strategy process in South Bedfordshire. In this regard, traffic forecasts have been produced for a number of different potential planning outcomes, with the Published Scheme being robust to the most likely outcomes.

*Response to Mrs S Kitchen (Obj 18)<sup>41</sup>*

- 8.96 Mitigation for noise impacts would include the provision of noise barriers alongside the northbound on-slip for the motorway, which lies to the east of Mrs Kitchen's property, together with landscape bunding. Moreover, future noise levels in the area generally would reduce as a result of future low-noise surfacing planned for the M1 motorway. These measures would result in a negligible/minor noise benefit in the vicinity of Mrs Kitchen's property. The ES (DD1) has assessed the air quality at this location to be good, with levels of nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>) at about half the levels set for these pollutants under national legislation for the protection of human health. Implementation of the Published Scheme would lead to small increases in the level of these pollutants, but this would have a negligible impact on the air quality, which would still be of a good standard.
- 8.97 With regard to the retention of the truncated section of the existing B579 Luton Road, CBC as the local highway authority would be responsible for dealing with issues such as fly-tipping or illegal access. The diverted B579 would be subject to the national speed limit and, again, any change to this would be the responsibility of CBC. Mrs Kitchen's concerns regarding changes to nearby electricity pylons are noted. The high voltage line close to her property is the responsibility of UK Power Networks who will keep Mrs Kitchen informed as the design of any re-positioning is progressed. The other nearby pylon system is being diverted underground.

*Response to Mr David Bough (Obj 20)<sup>42</sup>*

- 8.98 Mr Bough's concerns regarding security and the attempted break-ins he has suffered are noted. However, the proposed access track running along the boundary of Mr Boughs' property, leading to Pond 5, would have associated fencing and lockable gates. Moreover, as the pond is part of the highway drainage system, rather than a pumping station as Mr Bough believes, access to it would only be occasional, for inspection and maintenance purposes.
- 8.99 The truncated section of Luton Road which would pass the entrance to Mr Bough's property would remain as public highway and the local highway authority, CBC, would have greater legal powers to remove unwanted persons from the highway than an individual would have on private land. As already noted, if fly-tipping should occur, the expense of removing it would be the responsibility of CBC rather than the adjacent land owner.
- 8.100 There would be a negligible/minor beneficial change in noise levels in the vicinity of Mr Bough's property as a result of the Published Scheme, allowing for

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<sup>41</sup> Doc HA/R/OBJ18/1

<sup>42</sup> Doc HA/R/OBJ20/1

the use of low-noise surfacing on the M1 during future programmed resurfacing works. The Published Scheme is predicted to result in small changes in air quality at Hillside, but these would not represent a risk to human health as air quality would still be of a good standard.

*Response to Mr & Mrs Dryden (Obj 22)*<sup>43</sup>

- 8.101 Mr & Mrs Dryden originally objected to the access arrangements proposed for Grove Farm in the Published Scheme on the grounds that part of the access route would be over land which they did not own (in the ownership of Mr D Y and Mrs E A Buckingham, and also Mr E P Buckingham). Although they would have a legal right of access to the public highway over this land, they were unhappy with this situation. The Highways Agency has sought to rectify this matter by promoting an alternative access arrangement for the western end of the Grove Farm access track which would not need to pass over any land owned by the Buckingham family. It would necessitate moving the proposed Pegasus crossing 10m further north, but no technical difficulties are anticipated.
- 8.102 Such a scheme is put forward as a recommended modification, as detailed earlier in this report (see paras 3.96 to 3.97), and has been agreed as acceptable by the other affected parties. Mr and Mrs Dryden have stated that their objection would be withdrawn if this proposed modification was to be incorporated into the A5-M1 Link scheme.

*Response to Mr Martin Paddle on behalf of the Trustees of M J Shanley Ltd (Obj 23)*<sup>44</sup>

- 8.103 The Highways Agency is prepared to provide an access at point A shown on Drawing MJP2 contained within Doc HA/RB/OBJ23/1, as sought by the Trustees of M J Shanley Ltd. Such an access forms the subject of Alternative Route No 8 (AR8), which is generally supported by this objector and which the Highways Agency has put forward as a proposed modification to the Published Scheme (see paras 3.100 to 3.101 of this report).
- 8.104 There are, however, some differences of opinion regarding the exact form and standard that the proposed access should take. In particular, the arguments for a 7.3m wide access at Point A have been noted, but such a width could not be justified, for agricultural purposes. Even if all the land served by the access was cropped with wheat at some point in the future, the current 14ha (35 acres) would only require some 5–7 trailer loads to take it away. The likelihood of 2 large agricultural vehicles blocking the access at Point A and causing congestion on the roundabout is virtually negligible. In any case, the area that is currently farmed is accessed from immediately across the B579 (Point C on MJP2 – unaffected by the Published Scheme), with no agricultural access in use at the present time to the land from BOAT No 9 to the south.
- 8.105 Under AR8 the access track would therefore be 5m wide. The surfaced width of the BOAT would be 4m within an overall corridor width of 12.2m. This would be suitable for current agricultural purposes and would be provided with a surface appropriate to agricultural and BOAT usage, as required. In addition, a gate would also be provided at the field end of the new private means of access, subject to acceptance of the proposed modification.

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<sup>43</sup> Doc HA/R/OBJ22/1

<sup>44</sup> Doc HA/R/OBJ23/1 & Doc HA/RB/OBJ23/1

*Response to Mr & Mrs Hull (Obj 27)*<sup>45</sup>

- 8.106 The concerns expressed about the impact of the Published Scheme on Mr Hull's health are noted, and during the construction every effort would be made to keep fumes and dust to a minimum, in line with the Considerate Constructor scheme. In this regard the contractor would not permit construction traffic to use Sundon Road past Mr and Mrs Hull's property as a construction access.
- 8.107 Noise level assessments carried out for Mr and Mrs Hull's property show that there would be a small reduction in noise levels in 2031 (15 years after opening) compared to the situation of the scheme not being built. This is due to the balancing of increased noise from increased traffic flows with reduced noise from the installation of low-noise surfacing on the M1 motorway.
- 8.108 Mr & Mrs Hull have been provided with information booklets describing Compulsory Purchase and Compensation, to address their concerns regarding property devaluation, and they have also been offered further assistance in this regard. The Published Scheme does not require the construction of a large embankment adjacent to Long Meadow Farm, as had been the case with an earlier motorway widening proposal, and any potential short term impacts on Mr and Mrs Hull's property would therefore be less than originally anticipated.
- 8.109 It is proposed to light the carriageways of Junction 11A and the associated local roads for safety reasons, but any light pollution would be minimised by the use of the latest technology, as previously noted.

*Response to CPRE West Midlands Regional Transport Group (Obj 41)*<sup>46</sup>

- 8.110 At the time of preparation and publication of the draft Orders, no information was publicly available as to the preferred route for a potential high speed railway link (HS2). Accordingly the Highways Agency could not seek to acquire land to accommodate a speculative development as it would not have been essential for the A5-M1 Link Scheme. This CPRE objection to the Scheme is maintained, despite fact that the preferred route for the HS2 railway line is remote from the A5-M1 Link, having been announced on 10 January 2012.
- 8.111 However, if a rail route parallel to the M1 north of Luton was to be subsequently chosen over the now published Preferred Route for HS2, it would be the responsibility of the company set up to deliver HS2 to secure any requisite modifications to the existing motorway and associated local infrastructure.

*Response to Mr E P Buckingham (Obj 42)*<sup>47</sup>

- 8.112 Access to Mr Buckingham's land would be maintained off the A5120 via Plot 2/1F. In terms of the pinch point to the south of Plot 2/1D, the gap available between the hedgerow marking Mr Buckingham's boundary and neighbouring land and the proposed highway boundary has been confirmed as 14.5m. This would be adequate for use by most agricultural equipment. It is acknowledged that use by crop sprayers would be restricted, but would still be manageable due to their folding booms. An increase in the width of this pinch point would therefore not be necessary. Plot 2/1J would be needed for temporary storage of topsoil and would be returned to him after construction of the scheme. Plot

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<sup>45</sup> Doc HA/R/OBJ27/1

<sup>46</sup> Doc HA/R/OBJ41/1

<sup>47</sup> Doc HA/R/OBJ42/1



- 2/1K would be needed to provide landscaping to mitigate the impact of the Scheme in general and, in particular, the proposed Chiltern Way footbridge.
- 8.113 The proposed use for Plot 2/1S would be for a balancing pond to attenuate the run-off from the proposed dual-carriageway, whilst the planned use of Plots 2/1G, 2/1H and 2/1O would be needed for essential mitigation as explained in the ES. They currently provide locally important habitat which the Scheme would utilise as a basis for further habitat creation to mitigate adverse effects, and also to provide visual screening to residential and recreational receptors. Substantial woodland planting is proposed for Plots 2/1G and 2/1H to mitigate loss of existing trees, to help to integrate the carriageway into the broader landscape and also help screen the roundabout from visual receptors to the north and east. It would also help to screen the A5-M1 Link itself from users of Bridleway 46, which is very close to the line of the road at this point. It would also provide useful foraging habitat for mammals.
- 8.114 The retention of the mature hedgerow at Plot 2/1O could only be achieved with certainty by incorporating it into the CPO. Although Mr Buckingham has queried whether bats fly this route, the ES shows the findings of bat activity surveys which indicate recorded bat flight lines along the western boundary of Plot 2/1O (along the A5120), over several years. The hedge has suitable structure to provide a foraging area and is therefore very likely to be an important element of the local bat habitat. Surveys have also identified badger activity in the area, with Plot 2/1O shown to be on the boundary of 2 territories.
- 8.115 The objective of habitat creation is influenced by what is appropriate to the local area and not necessarily by scarcity. Plot 2/1O is to be planted as Species Rich Grassland, which would partly mitigate the loss of existing grassland as a result of the Scheme. The Highways Agency would have access to this land from the A5-M1 Link, via the proposed maintenance access to Pond No 2. Plot 2/1O would be the start of an unbroken strip of planting from the A5120 to the Sundon Road overbridge and whilst the proposed roundabout is acknowledged as a limitation, the linking of key habitats would still be an important part of the essential mitigation.
- 8.116 Mr Buckingham's assertion that this land would be suitable for use as part of the family livery business is noted. However, the Highways Agency maintain the view that the plots in question would be required for essential mitigation of the Scheme. The reasoning behind the need to acquire Plot 2/2A has already been addressed in the response to Mr D Y Buckingham (Obj 13). Finally, it is noted that Mr Buckingham would also be satisfied with the revised access arrangements at the western end of the Grove Farm access, put forward as Modification No 1 to SRO No 1, Sheet 3.

*Response to Miss Barbara Butters (Obj 45)<sup>48</sup>*

- 8.117 The Published Scheme does not affect the bridleway network in the vicinity of the existing A5. Accordingly, there are no proposals to provide a Pegasus crossing on the A5 and there are no proposals in the draft Orders which would modify the existing Public Rights of Way in the area of Chalk Hill and the A505 roundabout, including BW49. The Published Scheme would, however, result in a reduction in traffic on the Chalk Hill part of the A5 which should make it easier to cross the A5 at this location, if the A5-M1 Link is implemented.

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<sup>48</sup> Doc HA/R/OBJ45/1 & Doc HA/RB/OBJ45/1

- 8.118 The proposed highway and PRow layouts include improvements to the equestrian network such as removing the need to cross the motorway twice to reach Chalton; the Pegasus crossing proposed for the A5120; and an alternative to BOAT No 9 to reach Sundon Road from BW22 via the proposed BW44. In addition, under the proposals contained within the Published Scheme Thorn Road would be kept open, as sought by this Objector.
- 8.119 Miss Butters' comments regarding changes which have been made to the PRow network have been noted. However, issues relating to the designation of Rights of Way within Central Bedfordshire do not come within the Highways Agency's jurisdiction, but rather are the responsibility of CBC.

*Response to Mr Tom Brialey (Obj 47)<sup>49</sup>*

- 8.120 A specific response to Mr Brialey is given as he maintains that publication of the Framework has lent support to his and other objectors' cases, as the Published Scheme would not be sustainable development. The Highways Agency disagrees with this position, as its traffic evidence has demonstrated that the opening of the A5-M1 Link would reduce traffic volumes through Chalton in the Core scenario traffic forecast<sup>50</sup>. The traffic increase to which Mr Brialey refers relates to the 'Scheme Design' forecast, which identified the traffic impacts of the Scheme if developments were to go ahead in the Houghton Regis/Dunstable area without local road connections being made to Junction 11A.
- 8.121 But as already noted, the local authorities are promoting a scenario in which the Houghton Regis and Dunstable development would be implemented in combination with a local connection to Junction 11A (the WSC). This would be likely to reduce traffic flows through Chalton, provided that the appropriate Traffic Regulation Orders for roads in Chalton are also implemented and enforced by the local highway authority, in order to restrict traffic movements.
- 8.122 Mr Brialey is taking a limited viewpoint of the impacts of the provision of a local connection to Junction 11A, such as would be provided by AR7, in isolation from other planned infrastructure in the area. The impacts on the C196 out of Houghton Regis and the C196 over the railway line and through Streatley were detailed during the Public Inquiry and are summarised in Doc HA/0/26, extracted from HA/0/7. No account is being taken by Mr Brialey of the impacts on the lives of people living close to these roads, in future generations, which must be part of the overall balanced assessment which has been carried out and reported upon by the Highways Agency.

**Response to those making other representations**

*Response to Chalgrave Parish Council<sup>51</sup>*

- 8.123 Traffic flows on the A5 north of the proposed A5 roundabout are predicted to increase as a result of the overall route to and from the M1 motorway via the Published Scheme being more attractive to long distance travellers. However, other predictions from the SATURN<sup>52</sup> traffic model indicate that traffic flows would reduce on lower standard roads such as the C193 through Tebworth and roads around Toddington, including the A5120 through Chalgrave.

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<sup>49</sup> Doc HA/R/OBJ47/1

<sup>50</sup> Figures G-3 and G-4 in Appendix G of HA/105/3

<sup>51</sup> Doc HA/R/REP01/1

<sup>52</sup> SATURN – Simulation and Assessment of Traffic to Urban Road Networks.

- 8.124 Noise assessments show that Chalgrave would experience a negligible to minor reduction in noise levels, whilst properties on Tebworth Road in Wingfield would experience minor to moderate noise reductions. Properties on Hill Close in Wingfield would experience minor noise increases as a result of the proposals, but as these are some 0.84km from the route of the proposed A5-M1 Link, and are sited about 28m above the highest point on the proposed road, there would be minimal benefits of installing noise barriers in this location.
- 8.125 Full screening of the A5-M1 Link would only be possible through the provision of very high banking or fencing, which would have a large impact on the landscape. The ES (DD1) indicates that only Hill Farm is within the assessed Visual Zone of Influence of the proposed A5-M1 Link, but that the existing farm buildings and extensive vegetation on plot boundaries would block the views of the A5-M1 Link from the properties on Hill Close.
- 8.126 As a result of the granting of a Departure from Standards, only the western part of the proposed new road between the A5 and A5120 would be lit, together with the roundabouts themselves. Use of the latest technology would limit light pollution, would minimise any long distance impacts and would reduce the (day and night time) visual intrusion that the proposed route would cause.

*Response to the Chiltern Society<sup>53</sup>*

- 8.127 The Footpath A11 crossing of the A5120 has been designed having regard to Design Advice Note TA91/05 (Provision for Non Motorised Users), contained in the DMRB. This indicates that for a single-carriageway road with an AADT flow below 8,000 vehicles, an informal at-grade crossing is normally appropriate. The forecast traffic on the A5120 south of the proposed roundabout in the Core scenario is 4,000 AADT in 2016 and 4,200 AADT in 2031.
- 8.128 In addition, NMU surveys have been undertaken in order to identify the level of usage on the Public Rights of Way Network, as detailed in both the ES (DD1) and DD132 (Traffic and Pedestrian Surveys). These surveys, carried out in July 2005, recorded no NMUs using Footpath 13 over the 2 survey days, with a total of 7 NMUs on Footpath A11 over the same period. These usage figures reinforce the view that an informal crossing would be appropriate.
- 8.129 The crossing point would be located some 205m south of the proposed roundabout, where the carriageway width would be about 7m. Speed surveys undertaken in 2006 have shown that a Design Speed of 85kph or 50mph would be appropriate for this location, because of the geometric constraints of the proposed roundabout to the north and the presence of 2 sharp bends to the south. In addition the chosen location would maximise the available visibility for both NMUs and drivers of vehicles, with visibility in excess of 160m achievable on both approaches to the crossing.
- 8.130 To provide a central refuge appropriate for use by cyclists the width of the proposed carriageway would need to be increased by some 3m to 4m, in accordance with TA91/05. This would have an impact on the frontage of either or both of the adjacent residential properties, The Orchard and Calcutt Lodge, and would require works to ditches and mature hedgerows adjacent to the existing A5120.

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<sup>53</sup> Doc HA/R/REP11/1 & Doc HA/RB/REP11/1

- 8.131 Mr Rowe's suggestion that the crossing could be relocated to the north, away from The Orchard, would result in NMUs crossing an increased carriageway width of about 10m at a point where the transition between 2 lanes and a single lane is still taking place. This location would not achieve the 160m visibility and stopping sight distance described above, for drivers exiting the roundabout.
- 8.132 It is accepted that major development between the urban fringe of Dunstable and Houghton Regis could well change traffic conditions on the A5120, but if a formal crossing is subsequently deemed appropriate, the onus for its provision would be on the developer. Provision at this future stage would enable the location and the design of the crossing point to be fully compatible with the detailed layout of the development, which is not known at present.
- 8.133 Mr Rowe's comment regarding fatal accidents involving pedestrians at informal crossings on the Redbourn Bypass is noted. However, although accident data has been requested from HCC for the appropriate stretch of road, Mr Rowe's assertions cannot be verified. Two fatal accidents have been recorded over the period from 2000 to 2011 but neither of these involved pedestrians.
- 8.134 On Mr Rowe's second point, the location currently proposed for the Icknield Way overbridge was selected as a balance of the diversion distances for users of Footpath 40 (Icknield Way), Footpath 13, Footpath A11 and the A5120. The location selected has the added advantage of being where the main carriageways would be in shallow cutting. This would help to reduce the impact of the bridge on the landscape and reduce the amount of imported fill material required to construct the approach ramps.
- 8.135 The length of the diversion for users of Footpath FP40 would be 390m if using the steps, or 955m if using the ramp to access the overbridge, with this latter figure being similar to the length of diversion for users of Footpath A11 (970m). Moving the overbridge further to the west would benefit users of Footpath 40, but would further increase the length of the diversion for users of Footpath A11. Such a move would also increase the length of diversion for cyclists on the A5120 and potentially encourage them to remain on the A5120 through the proposed trunk road roundabout.
- 8.136 The proposed location would also mean that the structure would be remote from overhead electricity lines (400kv) and associated pylon infrastructure, providing safe clearances to the power lines during construction and in operation and maintenance. Other benefits of the proposed location would include avoidance of potential land severance caused by the embankment footprints, and avoidance of the potential loss of a mature hedgerow if the overbridge was located on the line of the existing Footpath 40. On balance, it is considered that the best location has been selected.
- 8.137 The Chiltern Society's suggestion that Footpath 29 should be realigned to run direct to the steps on the embankment on the north side of the Thorn Farm overbridge is noted. However, as the intention was always to keep the closure and realignment of footpaths and bridleways to a minimum, Footpath 29 has been maintained in its current position. The length of the revised route shown in Figure 1 of Mr Rowe's Proof of Evidence (Doc CS/1/REP11) is about 410m whereas the equivalent route via the Published Scheme would be approximately 465m. This difference of 55m is not considered sufficient to merit the proposed re-alignment, especially as the realignment of this footpath is not a necessary

consequence of the Scheme. However, the Highways Agency would not oppose this diversion if promoted by CBC.

- 8.138 Finally, in response to the Chiltern Society's representations regarding Footpath 16, it is proposed to include a set of steps within the Scheme to enable NMUs to take a direct route onto the approach ramp of Structure No 4, if they so wish. On the Order plans this structure is referred to as the Footpath 23 overbridge, but Doc HA/0/34, submitted at the Inquiry, confirms that Footpath 23 changes to Footpath 5 at its intersection with Footpath 44. The proposed steps are shown on Drawing No. D110843/SK/337 in Appendix A of Doc HA/RB/REP11/1 and this change is to be put forward as a proposed Modification to the Published Orders. Mr Rowe has indicated that this would satisfactorily address the Chiltern Society's concerns in this regard.

*Response to Edlesborough Parish Council*<sup>54</sup>

- 8.139 If the proposed detrunking of the existing A5 as contained in the draft Orders is approved, the responsibility for this road would pass to the local highway authorities (CBC and HCC). The inclusion of weight restrictions on the A4146 is not possible within the draft Orders for the A5-M1 Link as this is a matter for local highway authority for that road (Buckinghamshire County Council). It should be noted that the SATURN traffic model predicts a small reduction in traffic on the A4146 in the vicinity of Edlesborough in the opening year of the Published Scheme.

*Response to Mr H Fletcher*<sup>55</sup>

- 8.140 Although it is the Highways Agency's intention to implement the Published Scheme as soon as possible, subject to the Orders which are the subject of the Inquiry being made, there are no plans for charging facilities for electric cars as part of the A5-M1 Link scheme. Moreover, the B530 (believed to be The Bridleway that Mr Fletcher referred to) is remote from the A5-M1 Link and there are no plans to widen it under the Published Scheme.

*Response to Markyate Parish Council*<sup>56</sup>

- 8.141 Discussions regarding the budgetary implications of a detrunked A5 are on-going with HCC. Once the A5-M1 Link is opened to traffic the existing A5 would be detrunked and passed onto the control of the local highway authorities in its existing form. Deferral of the detrunking is not the recognised procedure. Regarding any suggested lorry ban on the A5, this would be the responsibility of the local highway authorities. Their plans for the route, following detrunking, have yet to be determined but would be likely to involve a consultation process, and would need to be linked in to existing diversion routes. To address problems of potential delays during the construction of the A5-M1 Link, an appropriate temporary signing strategy would be implemented in order to inform and update travellers.

**Proposed Modifications to the draft SROs and draft CPOs**

- 8.142 The Secretary of State has power to make the Orders in a modified form where this would not cause injustice. A total of 5 modifications are proposed to the

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<sup>54</sup> Doc HA/R/REP13/1

<sup>55</sup> Doc HA/R/REP16/1

<sup>56</sup> Doc HA/R/REP17/1

draft SROs and 5 modifications are also proposed to the draft CPOs, as set out in the Highways Agency's main case. Many of these relate to matters of a minor clerical nature to correct small drafting errors which have come to light since the Orders were published and to address new land ownership details from new Land Registry information. The modifications also include changes of a minor nature which amend proposed access arrangements at particular locations and which have been agreed by the affected parties. No additional land would be required to accommodate any of the proposed modifications, all of which are supported by the Highways Agency.

*My conclusions begin on the next page*

## 9 CONCLUSIONS

Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in superscript brackets <sup>□</sup> to earlier paragraphs where appropriate.

### Structure of Conclusions

- 9.1 These conclusions first set out the tests which the Orders must satisfy if they are to be made and then consider the Published Scheme in the light of the relevant policies against which it should be assessed. In this regard I have had regard to the fact that the National Planning Policy Framework (“the Framework”) was published in March 2012, replacing the previous suite of Planning Policy Guidance and Planning Policy Statements<sup>[1.17]</sup>.
- 9.2 The conclusions then deal with the issues raised by Objectors and those who submitted representations to the Highways Agency. There are common themes in the objections which are therefore dealt with on a topic basis, to reduce repetition, with conclusions drawn on each. The various Alternative Routes are considered under the appropriate topic headings. Then other matters raised by Objectors, which do not fall easily within the topic headings are considered. The conclusions are then drawn together into recommendations on each of the Orders and the Exchange Land Certificate.
- 9.3 As indicated in Paragraph 1.3, I have taken account of the Environmental Statement published by the Highways Agency in December 2009, together with all other environmental information submitted in connection with the Published Scheme, in arriving at my recommendations.

### The tests for the making of the Orders

- 9.4 The draft Trunk Road Order is drafted under Sections 10 and 41 of the Highways Act 1980. It would authorise the construction of a new section of trunk road or trunk road slip roads. The roads described in the draft Trunk Road Order would become trunk roads from the date when the Trunk Road Order comes into force.
- 9.5 The draft Connecting Roads Scheme (CRS) is drafted under sections 16, 17 and 19 of the Highways Act 1980. It would authorise the new slip roads to be constructed that would connect the motorway with the proposed A5-M1 Link Road at Junction 11A. The roads described in the CRS would become trunk roads from the date when the CRS comes into force.
- 9.6 The draft Detrunking Order would be made under Section 10 of the Highways Act 1980. It provides that the lengths of the trunk road to be superseded by the new trunk road shall cease to be trunk road. They shall be re-classified as classified roads as from the date on which the new trunk road on the main route is open for traffic. On that date Central Bedfordshire Council (CBC) and Hertfordshire County Council (HCC) would become the highway authorities responsible for those lengths.
- 9.7 The requirements of local and national planning policies and the requirements of agriculture must be borne in mind when making changes to the trunk road network. Furthermore it is a requirement that the changes are expedient for the purpose of extending, improving or reorganising the national system of routes in England and Wales.

- 9.8 The draft Side Roads Orders (SRO No 1 & SRO No 2) are drafted under Sections 12, 14 and 125 of the Highways Act 1980. These provisions allow the Secretary of State, by Order, to authorise the stopping up of any highway or private means of access (PMA) and the provision of any improved or replacement highway, footpath and PMA or new means of access to premises adjoining or adjacent to a highway. The SROs would also provide for the transfer of the new highways to the local highway authority (CBC) as from the date agreed with the authority.
- 9.9 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. Moreover, no stopping up order shall be made unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the Secretary of State is satisfied that 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.
- 9.10 The draft Compulsory Purchase Orders (CPO No 1 & CPO No 2) are drafted under Sections 239, 240, 246 and 250 of the Highways Act 1980 and Section 2 of the Acquisition of Land Act 1981. For these Orders to be made, the land affected must be required for the construction or improvement of, or the carrying out of works to a trunk road, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a trunk road. The powers extend to the acquisition of land to mitigate any adverse effect the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.
- 9.11 In this case, the Orders would authorise the acquisition of land rights for the construction of the new road and junctions and for the construction and improvement of highways and new means of access to premises in pursuance of the CRS and SROs. They would also authorise the acquisition of land to enable mitigation measures to be implemented as an integral part of the Scheme.
- 9.12 In addition to the tests detailed above, Circular 06/2004 points out that for land and interests to be included in a CPO there must be a compelling case for acquisition in the public interest; that this justifies interfering with the human rights of those with an interest in the land affected; that the acquiring authority has a clear idea of how it intends to use the land it seeks to acquire; that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and that the scheme is unlikely to be blocked by any impediment to implementation.
- 9.13 Some of the land required for the Scheme, set out in CPO No 2, falls within an area of Public Open Space, as designated by Luton Borough Council (LBC). The purchase of such land shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that certain criteria apply. Section 19(1)(b) of the Acquisition of Land Act 1981 allows development to take place in small areas of Public Open Space without the need to provide exchange land, provided the area of land required is less than 209sqm (250 sq yards).

### **The Policy Context**

- 9.14 A scheme to provide an A5-M1 Link (Dunstable Northern Bypass) is clearly of long standing, with the current proposal stemming from the publication of the Government's White Paper, "A New Deal for Transport – Better for Everyone", in



- 1998<sup>[3.1]</sup>. The Scheme received further support in February 2003, through the London and South Midlands Multi Modal Study (LSMMMS)<sup>[3.2]</sup>, followed by inclusion in the Highways Agency's Targeted Programme of Improvements (TPI)<sup>[3.2]</sup> and the subsequent Programme of Major Schemes (PMS)<sup>[3.3]</sup>.
- 9.15 The Scheme was included in the Regional Spatial Strategy (RSS) for the area (the East of England Plan)<sup>[3.4]</sup>, and is shown as having high priority for facilitating the Government's housing growth area within the Milton Keynes South Midlands Sub-Regional Strategy<sup>[3.4]</sup>. Within this strategy the Luton/Dunstable/Houghton Regis area is identified as a major development area and the A5-M1 Link is identified as a key transport requirement. The Scheme has been assessed as part of the Government's Spending Review (SR), which sought to identify those schemes that offered the best investment, and was clearly considered to meet all necessary criteria<sup>[3.5]</sup>.
- 9.16 Sustainable development has been a watchword of transport and land-use planning policy in recent years, and the regional planning strategies and local development plan strategies relevant to this proposal have all been prepared with this in mind. They have also been prepared against the backdrop of further support for sustainable development in the previous national planning guidance set out in the likes of Planning Policy Guidance 13 (PPG13): "Transport", and Planning Policy Statement 1 (PPS1) "Delivering Sustainable Development"<sup>[3.36]</sup>.
- 9.17 These have now been replaced by the National Planning Policy Framework which maintains and reinforces the above principles, by making it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, and that improving people's travel conditions forms one aspect of this<sup>[3.51]</sup>.
- 9.18 The submitted evidence indicates that the Published Scheme would increase accessibility by road, thereby reducing journey times and congestion whilst improving safety and facilitating business efficiencies<sup>[3.39]</sup>. Although it is recognised that the Scheme would not reduce dependency upon the car, it would allow improvements to be made for non-motorised users of the transport network, and would also improve environmental conditions within Dunstable town centre<sup>[3.42, 8.92, 8.93]</sup>. These improvements would be conducive to sustainable economic growth and would assist in the development of planned housing in the vicinity of the A5-M1 corridor<sup>[3.13, 3.39, 8.33]</sup>. With these points in mind I conclude that the Published Scheme accords with prevailing transport policy at the national, regional and local level and would represent sustainable development.
- 9.19 In Green Belt terms, the Framework indicates that development such as local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate provided it maintains openness and does not conflict with the purposes of including land in the Green Belt<sup>[3.52]</sup>. I consider that the Published Scheme falls into this category. Although some alternative route suggestions have been put forward, which I discuss later, none of these suggest an alternative link between the A5 and the M1 which would avoid the Green Belt.
- 9.20 No evidence has been submitted to suggest that the Scheme should be seen as conflicting with or materially compromising the purposes of the Green Belt, and

although the Scheme would include some modest structures its alignment would predominantly follow the prevailing landform such that it would not have a significant impact on openness.

- 9.21 These points lead me to the view that in the light of guidance in the Framework, the Published Scheme should not be viewed as inappropriate development in the Green Belt. But if the Secretaries of State reach a different view on this matter, I consider that the fact that the Scheme would alleviate congestion, reduce journey times, allow for significant environmental improvements and facilitate the Government's growth agenda would clearly outweigh any harm to the Green Belt. As such, I share the Highways Agency's view that these matters would constitute very special circumstances, sufficient to justify the Scheme<sup>[3.41-3.44]</sup>.
- 9.22 I have noted that the Scheme would result in the loss of 65 hectares (ha) of best and most versatile (BMV) agricultural land and that there would also be some slight adverse effects in terms of ecology, nature conservation and on heritage assets<sup>[3.45-3.47, 3.66-3.76]</sup>. There would also be some slight conflict with planning policy with regard to impacts on pedestrians, cyclists, equestrians and the community in general<sup>[3.47]</sup>. However, in the light of the submitted evidence I am satisfied that the extensive range of mitigation measures which are proposed would mean that any such impacts would be satisfactorily addressed<sup>[8.41]</sup>. In addition, I have noted that support for the Scheme at local level is given in a number of Local Plans and Local Transport Plans<sup>[3.36, 3.38, 3.54]</sup>.
- 9.23 Taking all the above points into account, along with the assessment of the Scheme's conformity with planning policy at all levels, as detailed in the Environmental Statement (ES)<sup>[1.3, 3.34]</sup>, I conclude that overall, the Published Scheme would not be in conflict with prevailing development plan policies, nor would it be at odds with national guidance in the Framework.

## ISSUES RAISED BY OBJECTORS AND IN REPRESENTATIONS

### The Principle of the Scheme<sup>57</sup>

- 9.24 The Published Scheme aims to provide a value for money link to the M1 which contributes to the reduction of strategic traffic movements to and from the M1 through Dunstable by providing an alternative to the existing A5 and A505 routes through the town centre. At the same time it aims to reduce accidents and also reduce congestion, thereby providing shorter journey times and better journey time reliability<sup>[3.20, 3.30, 3.39, 3.79, 3.80]</sup>.
- 9.25 Very few objectors seek to argue that the Scheme would not achieve these objectives. However, there are a few who contend that the Scheme would only have limited success in removing traffic from Dunstable and that an A5 to A5 north/south bypass would be preferable. I consider the general points raised first, before moving on to consider the alternatives which have been put forward.
- 9.26 Mr Cutler (Obj 16) questions what evidence there is to demonstrate that the A5-M1 Link would solve Dunstable's traffic problems, maintaining that the road

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<sup>57</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Mr Cole(5), Mr Campbell(14), Mr Cutler(16), Sustrans(17) & Mr Sullivan(30)

- would simply clog up Sundon Park with more traffic and add more traffic to an already overloaded motorway<sup>[5.46]</sup>. However, on this latter point, the on-going works to improve the capacity of the M1 motorway by the Hard Shoulder Running (HSR) Scheme and the Junctions 11 and 12 Improvements are specifically intended to deal with the increased flows anticipated on this key section of the strategic road network<sup>[3.15, 8.26, 8.88]</sup>.
- 9.27 In addition, the traffic modelling for the A5-M1 Link indicates clearly that through traffic would be removed from Dunstable, thereby achieving a key objective of the Scheme<sup>[8.88, 8.89]</sup>. Furthermore, the detrunking of the existing A5 would allow HCC and CBC to implement further environmental and safety improvements on the A5 and within Dunstable town centre, and better control traffic to suit local needs<sup>[8.25, 8.47, 8.88]</sup>.
- 9.28 Concerns about increased traffic in the Sundon Park area are unfounded, as traffic levels there would remain generally unchanged without local connections to the proposed Junction 11A, as currently proposed<sup>[8.88]</sup>. Mr Cutler's concerns that construction of the A5-M1 Link would make it easier to go ahead with the Luton Northern Bypass (LNB) are noted, but any such scheme would need to be fully assessed and pass through its own statutory procedures. Objections to that scheme, as and when it is promoted, would need to be considered at the appropriate time and by the appropriate authorities<sup>[8.87]</sup>. It is not a matter which should have a bearing on the current Orders.
- 9.29 Although Mr Cutler has raised safety concerns, it is of note that the proposed A5-M1 Link would provide a higher quality route, built to a better standard than the existing network. This would result in a safer driving environment, with segregation of non-motorised users (NMUs) where possible, such that the number of accidents on the existing route and on the A505 would be expected to decrease as a result of removal of through traffic from Dunstable<sup>[3.20, 3.80, 8.89]</sup>.
- 9.30 Mr Cutler rightly points out that the Published Scheme would involve the loss of agricultural land situated in the Green Belt. Indeed there would be a loss of some 65ha of best and most versatile (BMV) agricultural and Green Belt land and this has to be seen as a major adverse effect of the Scheme<sup>[3.68]</sup>. However, it would be extremely difficult if not impossible for any A5-M1 Link in this general area, outside the urban areas, to avoid such land. These factors therefore need to be taken into account in the overall balance of considerations and should not be seen in isolation, as making the Scheme unacceptable.
- 9.31 Sustrans (Obj 17) lodged an extensive range of objections to the Published Scheme, but engaged in no further correspondence on this matter with the Highways Agency, subsequent to its original written objection and submission of a proof of evidence in 2010. These points of objection are, however, put forward with no detailed evidence to give them support<sup>[5.47-5.49]</sup>. In contrast, a significant volume of detailed technical evidence, including the Environmental Statement (ES) and traffic modelling work for a range of scenarios has been provided by the Highways Agency, with much being tested at the Inquiry. Significant traffic benefits within Dunstable are predicted for the Scheme Design Scenario, with reductions in peak hour flows in the High Street of up to 25%, weekday reductions in HGV flows on the High Street of some 20%, and peak hour reductions in flow of up to 77% in some nearby villages<sup>[3.24-3.26]</sup>.
- 9.32 The potential for environmental and safety improvements to be implemented within Dunstable, if the Scheme was to proceed, have already been referred to

- in the context of Mr Cutler's objection, above. In this regard it is of note that reductions of traffic in the town centre would serve to improve accessibility for non-car users, a matter of particular concern to Sustrans<sup>[5.49]</sup>.
- 9.33 It is acknowledged that some parts of the local road network might experience an increase in traffic but the net impact would be a reduction in traffic on the overall local network<sup>[8.93]</sup>. Moreover, east/west journey times across the area are also forecast to experience significant reductions, with corresponding reductions in fuel use<sup>[3.30, 8.92]</sup>. In this regard I see no reason to dispute the Highways Agency's evidence that the construction vehicle greenhouse emissions would be minor in relation to overall vehicle emissions reductions over the full design period<sup>[8.92]</sup>.
- 9.34 Clearly there would be increased traffic flows in other areas, including on the M1 itself, south of the proposed Junction 11A, but there is no firm evidence to indicate that these flows could not be satisfactorily accommodated on the highway network. In terms of demonstrating value for money, the economic assessments indicate that the Published Scheme would provide a present value of benefits of £471 million against a present value of costs of £87 million, giving a net present value (NPV) of £384 million with a benefit to cost ratio (BCR) of 5.4. The BCR would rise to 6.7 if the developers' and CBC contribution of £50 million, secured by Agreement, is taken into account<sup>[1.4, 3.6, 3.81, 3.82]</sup>. Like the Highways Agency I consider that the Scheme would represent excellent value for money, with or without this developers' contribution.
- 9.35 The concerns of Markyate Parish Council (Rep 17) regarding the implications for maintenance of that section of the A5 to be detrunked are understood and appreciated<sup>[6.10, 6.11]</sup>. However, with a clear alternative strategic route available, as would be the case with the construction of the proposed A5-M1 Link, there is no reason why responsibility for the bypassed section of the A5 should not pass to the local highway authorities. The Highways Agency has indicated that discussions regarding the budgetary implications of a detrunked A5 are on-going with HCC and CBC and clearly any plans for the A5, following detrunking, would need to be the subject of consultation<sup>[8.141]</sup>.
- 9.36 Turning now to consider specific alternatives to the Published Scheme, Mr Cole (Obj 5), who has experience of the haulage industry, argues that as the A5-M1 Link would add extra distance to journeys, it would not be used by HGV drivers, who are particularly concerned about fuel costs. He also opposes the Published Scheme as it would encourage more drivers to leave the M1 and travel through Dunstable on the A5 if an accident occurs on the M1 south of the proposed Junction 11A<sup>[5.40]</sup>. This latter point is echoed by Mr Campbell (Obj 14)<sup>[5.1]</sup>.
- 9.37 However, notwithstanding Mr Cole's assertions on these matters, the traffic modelling shows that long distance traffic, including HGVs, would transfer from the A5 through Dunstable onto the proposed A5-M1 Link and subsequently the M1 motorway<sup>[8.88, 8.92]</sup>. Concerns about traffic diverting off the M1 are noted, but it is clearly necessary for diversionary routes to be available in the event of an accident or similar occurrence on the motorway. In such circumstances the Highways Agency would need to liaise with the appropriate local highway authority to implement a strategic signing system, which could be activated in the event of serious incident or accident, and would direct traffic to the most appropriate routes<sup>[8.26]</sup>. This is not a matter which weighs against the Published Scheme.

9.38 Mr Cole maintains that the only possible cures for Dunstable would be for a 7.5 tonne weight restriction to be imposed on the A5, or for a north/south A5 bypass to be built, in the form of a tunnel from the bottom of Chalk Hill to the Caddington Turn. This was publicised by the Highways Agency as Alternative Route No 1 (AR1).

Alternative Route No 1 (AR1)

9.39 AR1 would comprise a tunnel beneath Dunstable, generally close to the line of the A5, of total length 4.9km with 0.9km of approach roads. However, it would not represent value for money as the costs would exceed the benefits. Moreover, it would increase traffic on the length of A5 south of Dunstable to M1 Junction 9 and if that length of the A5 was upgraded to a dual 2-lane carriageway, the costs would rise further and still outweigh the benefits. A further disadvantage is that it would not address the A505 east/west movement through the town<sup>[8.2]</sup>.

9.40 The public advertisement of this route produced no expressions of support, but did result in 10 counter-objections. These oppose AR1 on such grounds as potential adverse impact on a County Wildlife Site (CWS); problems arising from increased traffic on the A5 south of the tunnel; potential noise, vibration and structural damage; and a failure to meet one of the original aims of an A5-M1 Link, namely to reduce the amount of traffic travelling to M1 Junctions 9, 11 and 12 from the local road network. Further objections are that such an option would cause disruption to Dunstable town centre during construction, as well as causing long-term and potentially permanent damage to archaeological remains; and that this alternative route would not deliver the benefits to Dunstable town centre and its conservation area in terms of relieving traffic congestion heading to and from Junction 11 of the M1<sup>[7.1-7.25]</sup>.

9.41 These all seem to me to be valid objections to this option, and in view of the points raised I conclude that AR1 does not warrant further investigation.

9.42 Mr Campbell (Obj 14) argues that widening the M1 in the past has not resulted in any real improvement and that the A5-M1 Link, on its own, would have no real effect on congestion in and around Dunstable<sup>[5.1, 5.2]</sup>. However, no firm evidence was put forward to support these views and the submitted information tells a different story. There is no factual or technical basis for me to doubt the Highways Agency's view that the recently completed M1 Junction 6A to 10 Improvements and the other on-going improvements to the M1 will greatly increase the motorway's capacity in this area<sup>[2.1, 8.26]</sup>. Moreover, there are clear indications that the Published Scheme would bring significant traffic relief to Dunstable and the surrounding area under a range of traffic assessment scenarios.

9.43 Mr Campbell makes a direct link between the Published Scheme and proposals for major development in the Houghton Regis area, but whilst there is clearly a connection between the two, not least in view of the offered developer contribution of £45 million, they are separate proposals. The Published Scheme, in itself, does not include any proposals for housing or employment development. The key point made by Mr Campbell is that the A5-M1 Link should be designed to accommodate likely levels of trip generation from planned development in the area<sup>[5.3]</sup>. Having regard to the various scenarios tested with the traffic model, it is clear that the likely traffic generation from

such development has, indeed been taken into account<sup>[3.22]</sup>. In these circumstances there is no reason to doubt the robustness of the assessments.

Alternative Route No 2 (AR2)

- 9.44 Arising from his general opposition to the Published Scheme, Mr Campbell promoted a north/south bypass of Dunstable, which would pass to the east of the A5, in part on existing roads<sup>[5.2]</sup>. AR2 would be economically viable and effective in reducing traffic on Dunstable High Street but by providing a route largely through the existing urban area, it would not remove traffic from Dunstable. Rather, it would carry very substantial flows, of up to 36,000vpd through the town's built-up area. The proposed route would not be wide enough to accommodate a road capable of carrying this level of flow without significant demolition<sup>[8.3, 8.4]</sup>.
- 9.45 In addition, it was pointed out at the Inquiry that since AR2 was initially put forward in 2010, planning permission has been granted (in May 2011) for a housing development of some 113 dwellings on land at the former Houghton Quarry, which lies on the route of AR2. Construction work is now well underway on this site. Although a "green corridor" has been incorporated in the design of this housing site, this is to allow for a possible extension of the Dunstable-Luton Guided Busway. It would not be wide enough to accommodate a road of the standard which would be needed for AR2, without having a significant adverse impact on the adjacent housing<sup>[8.4]</sup>.
- 9.46 AR2 would also be damaging to ecology as it would run close to an SSSI towards the north, and towards the south it would run through another SSSI and through an area of ancient woodland<sup>[8.5]</sup>. Finally, it would not achieve one of the A5-M1 Link's objectives of providing an alternative route to and from the M1, avoiding Dunstable<sup>[8.5]</sup>. The public advertisement of this route produced a single expression of support, but 9 counter-objections, largely on the grounds of the likely environmental impact of the scheme, as detailed above<sup>[7.1-7.25]</sup>.
- 9.47 In view of the above points I conclude that AR2 does not warrant further investigation.

Alternative Route No 3 (AR3)

- 9.48 This Alternative Route, which would provide an eastern bypass of Hockliffe at the expense of the western end of the A5-M1 Link, was put forward by Mr Barker (Obj 38), who subsequently withdrew his objection to the Published Scheme. However, as AR3 attracted a significant level of support, primarily from Hockliffe residents, it was retained for assessment purposes.
- 9.49 The traffic modelling work shows that AR3 would be effective in bringing traffic relief to Hockliffe, but less effective than the Published Scheme in bringing relief to Dunstable, one of the principal objectives of the Scheme, and to local roads. On this latter point there would be some significant traffic increases on some of the lower standard local roads, with an extra 9,800vpd on Thorn Road and some 5,600 additional trips on the Hockliffe Road through Tebworth<sup>[8.7]</sup>. Overall, this alternative would be more damaging to the countryside than the Published Scheme and would also be longer and therefore more expensive, with a lower benefit/cost ratio<sup>[8.8]</sup>.
- 9.50 In addition 7 counter-objectors oppose AR3, primarily because it would not adequately cater for traffic between the A505 west and the M1, but also because of environmental impacts, with both the Wildlife Trust (CO3) and

- English Heritage (CO12) making detailed points opposing this alternative<sup>[7.1-7.25]</sup>.
- 9.51 In view of these points I conclude that AR3 does not warrant further investigation.
- 9.52 In his original written objection, Mr Sullivan (Obj 30), maintained that provision should have been made for a new high speed railway beside the M1 in the design of the eastern end of the Published Scheme<sup>[5.14]</sup>. This objection was also lodged by Mr Sullivan on behalf of CPRE's West Midlands Regional Transport Group (Obj 41)<sup>[5.59]</sup>. However, a preferred route for a high speed railway line between London and the Midlands, remote from the A5-M1 Link, was announced in January 2012 and in these circumstances there is no merit in considering this objection further, at this time<sup>[8.110, 8.111]</sup>.
- 9.53 A more substantial element of Mr Sullivan's objection, however, relates to his contention that the published proposals for the A5-M1 Link and Junction 11A would not meet the sub-regional needs for transport and would lead to operational difficulties on the M1, resulting from 3 motorway junctions and a Motorway Service Area in close proximity<sup>[5.15, 5.16]</sup>. He further argues that local trips may be attracted to the motorway; that no benefits would arise to Luton as the road would not be extended to the A6 to the east; and that the absence of local road connections to Junction 11A would lead to continued heavy traffic through the villages of Chalton and Toddington. He also considers that the current transport network in the Luton area is flawed, in that both existing M1 Junctions 11 and 12 are poorly sited<sup>[5.17]</sup>.
- 9.54 These arguments appear to be at odds with Mr Sullivan's statement to the Junctions 11 and 12 Public Inquiry in June 2010, in which he stated that "Junction 11A should be built as proposed under its separate Orders and the desire for the "Dunstable Northern Bypass" achieved"<sup>[8.50]</sup>. Nevertheless, he now argues that the Published Scheme should form part of a much wider plan for the area, with consideration given to whether Junction 11A should replace M1 Junctions 11 or 12 (or both)<sup>[5.18, 5.19]</sup>.
- 9.55 To this end he devised 3 combinations of various, wide-ranging proposals and put them forward for testing<sup>[5.20]</sup>. However, he did not abide with the timescales set out in either the first call for alternative routes in March 2010, nor the second call in September 2011. The reasons Mr Sullivan gives for not adhering to these timescales, whilst every other party who submitted alternative proposals did keep to them, are detailed in the exchange of correspondence at Appendix 4. I do not dwell on these reasons here as I do not consider that they go to the heart of the matters before me for consideration.
- 9.56 I reach this view primarily because each of the 3 options put forward by Mr Sullivan would require the closure of M1 Junction 11, Junction 12 or both. As such, these are clearly at odds with the decision of the Secretaries of State for Transport and for Communities and Local Government, made as recently as the autumn of 2010, to go ahead with substantial improvement works at both of these existing motorway junctions<sup>[3.15, 3.20, 8.26, 8.44, 8.50]</sup>. In reaching this decision the Secretaries of State were clearly well aware of the fact that 3 motorway junctions and a Motorway Service Area would be in close proximity, as this matter had been raised at the 2010 Junctions 11 and 12 Public Inquiry<sup>[8.48]</sup>.
- 9.57 Mr Sullivan was invited, in writing, to explain why his options should be pursued in the light of this recent decision by the Secretaries of State, but he provided no response. Mr Sullivan had a further opportunity to address this matter at his

Inquiry appearance, and was asked directly to do so, but again he gave no response, preferring instead to pursue the procedural matter referred to earlier and documented in Appendix 4.

- 9.58 In view of all the above points I conclude that the wide-ranging and in effect sub-regional options put forward by Mr Sullivan do not warrant further investigation. The potential use of the motorway for local trips is a matter which falls to be considered in the context of the Published Scheme. But as no local road connections are proposed at Junction 11A, I am not persuaded that the Published Scheme would be so attractive to local trips that any undue capacity problems would arise.

### Summary

- 9.59 Overall on this topic, I conclude that the Published Scheme would achieve its objective of providing a value for money link between the A5 and the M1 as an alternative to the existing A5 and A505 routes through Dunstable town centre. It would reduce the levels of strategic traffic passing through Dunstable, and to and from the motorway, and whilst there would be traffic increases in some locations, there would be a net reduction in traffic levels on the local road network.
- 9.60 There would be an unavoidable loss of BMV agricultural land located within the Green Belt, but the Scheme would lead to accident savings and reductions in journey times and would also allow environmental and safety measures to be undertaken on the detrunked section of the A5, and elsewhere within the town centre. As noted previously, I conclude that these matters, together with the factors set out in the previous section, clearly outweigh the dis-benefits of the Scheme, including the harm to the Green Belt. As such, very special circumstances exist to justify the Scheme progressing. In addition, for the reasons set out above, I conclude that the objections to the proposed detrunking cannot be sustained.
- 9.61 None of the options put forward as alternatives to the Published Scheme would achieve all the objectives set out for the A5-M1 Link and none would be preferable to the Published Scheme.

### **The absence of local road connections at Junction 11A, the layout of this junction, and the traffic implications of the Scheme for Chalton, Toddington and other villages<sup>58</sup>**

- 9.62 Many of the objections to the Published Scheme come from residents of Chalton who contend that it would bring no benefits to the village because of the absence of local road connections to the proposed Junction 11A. But before addressing this local connection issue, I consider it right to highlight the points raised by the Highways Agency in response to this charge. These are that the revised road layout being proposed for Sundon Road and Luton Road would improve access and provide a more direct and better standard route to key services and facilities in Houghton Regis, for the residents of Chalton<sup>[8.42]</sup>. In

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<sup>58</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Mr Dix(3), Ms Williams(6), Ms Morris(7), Mr Coles(9), Mr Cutler(16), Mr Currell(19), Mr Pearce(21), Mr Sullivan(30), Mr Adburgham (CPRE)(31), Chalton PC(32), Mr, Mrs & Ms Grygiel(33-35), Mr Lyon (GM)(39), Mr Salkeld(46), Mr Brialey(47), Mrs Charman(48) & Mr Penn(49)



- addition, provision of the A5-M1 Link would take strategic traffic off local roads and would provide opportunities for CBC as local highway authority to enhance its network through other improvements<sup>[8.42]</sup>. These would be real benefits which should not be overlooked.
- 9.63 That said, it is indeed the case that under the Published Scheme, HGVs from industrial areas to the north of Luton would have to continue to travel through Chalton and Toddington to reach the M1 north, via Junction 12, despite passing close to the new Junction 11A, to which they would not have access without a fairly lengthy detour to the A5120<sup>[5.8]</sup>. Particular concerns from Chalton residents centre on the speed and volume of traffic passing through Chalton and other nearby villages, especially HGVs, on roads which were not designed to carry either such traffic flows or such large vehicles<sup>[5.7]</sup>.
- 9.64 These concerns are understandable, but in assessing them and considering the weight to be attached to them it is necessary to have regard to a number of related matters. The first is that in isolation, the Published Scheme would not increase traffic flows throughout Chalton. Rather, it would bring about a decrease in flow levels. This can clearly be seen in the Forecast Flow Diagrams submitted to the Inquiry as part of the Highways Agency's traffic evidence. The Core Traffic Assessment Scenario, which freezes local development at 2011 levels and does not include any development which may be dependent on the A5-M1 Link, shows that in a first Scheme year of 2017, traffic levels within Chalton would actually reduce from about 11,700vpd to about 8,900vpd, a reduction of some 24%<sup>[8.34]</sup>. This is another benefit to Chalton attributable to the Published Scheme.
- 9.65 Reductions are also shown in Chalton for all other traffic assessment scenarios, apart from the Scheme Design Scenario<sup>[3.29, 8.15]</sup>. Under this latter scenario the daily traffic flow is predicted to increase by 1,100 vehicles, in the Scheme opening year of 2016, and it is this flow increase which has been highlighted by Mr Currell (Obj 19), and others, in their objections<sup>[5.7, 8.33]</sup>. It is to be noted, however, that this scenario takes planned local development into account, including that proposed for north of Houghton Regis and around Luton, but does not make provision for local road improvements such as the WSC and the LNB. In other words, the increased traffic flows through Chalton would arise as a result of major development taking place in the area, without corresponding improvements to the local road network<sup>[3.29, 8.120, 8.121]</sup>.
- 9.66 The second point of note is that the Highways Agency has no objection in principle to local access at Junction 11A being provided by the 2 major highway schemes of the WSC and the LNB. However, as both of these schemes would be inextricably linked with local development, for which planning permissions are not yet in place, I share the Highways Agency's view that it would neither be appropriate or sensible to attempt to make specific provision for either of these local road schemes as part of the current proposals for the A5-M1 Link. To do so without firm details of the extent, form and location of likely development in the Houghton Regis and north Luton areas would clearly run the risk of abortive works<sup>[8.12]</sup>.
- 9.67 The third matter of relevance is that the Forecast Traffic Flow Diagrams referred to above indicate that providing local road connections now, more or less in isolation, could have serious traffic flow implications for some villages which lie to the east of the M1. These points are best discussed in the context of the Alternative Routes proposed and supported by many of the objectors who seek

local connections to Junction 11A, and I address them now, dealing first with Alternative Route No 7.

*Alternative Route No 7 (AR7)*

- 9.68 AR7 would entail the provision of a roundabout junction on the Sundon Road, sited to the south of the A5-M1 Link, from where a new section of single-carriageway road would run eastwards to a second new roundabout. A further stretch of new road would run northwards from this second roundabout, as a dual-carriageway, to connect with the western dumb-bell roundabout at Junction 11A. In effect, this arrangement would form the northern part of the WSC, as confirmed by CBC in a document submitted to the Inquiry<sup>[8.31]</sup>. The full WSC would also include a single-carriageway link south to the Woodside Industrial Estate from the second roundabout detailed above.
- 9.69 The first point of note is that many of those who supported this Alternative Route appeared to view it as adding to the proposed WSC, rather than simply being one part of the WSC. This is understandable, because neither the public consultation diagrams for the WSC, nor the diagrams presented at the Inquiry by Cllr Young, show the link to Sundon Road as being an integral part of the WSC. However, the fact that this link is included in the currently proposed alignment for the WSC being progressed by CBC is confirmed in the document referred to above. This is an important point as it means that the benefits which Chalton residents and others wish to see would be delivered by the WSC, without the need for additional highway construction. It also highlights the fact that there is co-ordination and co-operation between the relevant authorities on such matters, despite assertions to the contrary by some objectors<sup>[5.58]</sup>.
- 9.70 Moreover, as already mentioned above, traffic levels within Chalton are not predicted to materially increase unless and until the major development area to the north of Houghton Regis gets underway. In these circumstances I share the Highway Agency's view that provided progress on this major development area is co-ordinated with the construction of the WSC (which should be possible as CBC are both the relevant planning authority and highway authority), unacceptable traffic impact on Chalton should be avoided.
- 9.71 In view of these points there appears to be no justification for pursuing AR7 at this stage, as not only would it potentially delay progress on the Published Scheme itself, but it would be going beyond the stated objectives of the A5-M1 Link, which do not include improving local access to the M1<sup>[3.20]</sup>.
- 9.72 Perhaps more importantly, however, the traffic modelling undertaken by the Highways Agency shows that although AR7 would result in reductions in traffic flow through Charlton, there would be significant increases both within Houghton Regis and villages on the eastern side of the M1. Compared to the Published Scheme, flows in Chalton with AR7 are predicted to reduce from 8,900vpd to 7,400vpd, an absolute decrease of 1,500 vehicles or 17%<sup>[5.9, 5.24]</sup>.
- 9.73 But using the same comparison, there would be an additional 2,200vpd (17% increase) on Sundon Road in Houghton Regis; an additional 5,800vpd (50% increase) on Sundon Road between Luton Road and Sundon Park Road; and an additional 5,700vpd (46% increase) on Sundon Road towards Streatley<sup>[8.17]</sup>. I visited these locations as part of my accompanied site visit and consider that the width, standard and alignment of these roads, especially Sundon Road just to the east of the railway, with its almost right-angled bend, are such that traffic increases of this magnitude should be avoided if at all possible. Three

counter-objectors also oppose AR7 because it would increase traffic flows within Houghton Regis.

- 9.74 Although I appreciate that AR7 appears attractive to Chalton residents, when viewed in the context of the wider area and weighed against the disbenefits just outlined, I conclude that it would not offer any material advantage over the Published Scheme, and should therefore not be investigated further.

Alternative Route No 10 (AR10)

- 9.75 AR10 was suggested by Mr Pearce (Obj 21), a long distance lorry driver who urges better connections to Junction 11A, which he argues would be especially helpful for movements to and from the industrial areas in north Luton<sup>[5.52]</sup>. Like AR7, AR10 would provide a link from the Sundon Road south of the A5-M1 Link to the western dumb-bell roundabout of Junction 11A, but would also have an enlarged eastern dumb-bell roundabout which would provide direct connections to the B579 Luton Road. Under this arrangement the existing B579 bridge over the motorway would be retained, meaning that there would be no need for the Sundon Road to pass over the A5-M1 Link<sup>[8.21]</sup>.
- 9.76 However, whilst this arrangement would provide the local road connections to the motorway sought by many of the objectors, the fact that local traffic would have to mix with traffic on the strategic trunk road/motorway network at Junction 11A means that significant capacity problems would arise. Indeed the Highways Agency had to acknowledge that the economic assessment of this alternative has to be considered as unrealistic because in order to achieve the necessary junction capacity, Junction 11A would need to be substantially larger than that shown in the advertised AR10<sup>[8.23]</sup>.
- 9.77 Although a larger version of Junction 11A could quite likely be devised, this layout would also have similar traffic flow disadvantages to those highlighted for AR7. For example, using the Core Traffic Assessment Scenario, Sundon Road over the railway bridge would carry 18,300vpd compared to 11,500vpd in the Published Scheme, an increase of 59%. Similar figures would apply to Sundon Road towards Streatley, whilst Luton Road south of the junction would carry 13,700vpd compared to 6,300vpd with the Published Scheme, an increase of some 117%<sup>[8.22]</sup>. Three counter-objectors also oppose AR10 because it would increase traffic flows within Houghton Regis.
- 9.78 As with AR7, I am not persuaded that any advantages of this alternative would outweigh the disbenefits outlined above. I therefore conclude that AR10 would not offer any material advantage over the Published Scheme and should therefore not be investigated further.

Alternative Route No 5 (AR5)

- 9.79 This alternative, which would provide a local road connection into the east side of M1 Junction 11A, linking to Sundon Park Road, was put forward by Mr Julian Lyon on behalf of General Motors UK Limited (GM) (Obj 39), primarily as a means of safeguarding GM's operations<sup>[5.31, 5.32]</sup>. Understandably, GM wishes to ensure that disruptions to the highway network in the vicinity of its north Luton warehouse are kept to a minimum. In particular it is concerned that such disruptions should only occur once, for the Published Scheme, and would not need to be repeated as and when the LNB is constructed and connected into Junction 11A at some time in the future<sup>[5.31, 5.32]</sup>. The eastwards road extension proposed in AR5 would, in effect, provide the first part of a LNB.

- 9.80 At the Inquiry, the Highways Agency was able to provide assurances that the A5-M1 Link has been designed with future connectivity in mind, and additional modelling has been carried out to confirm that a future LNB (as well as a future WSC) could be satisfactorily accommodated<sup>[8.10, 8.71-8.73]</sup>. In specific response to this objection, the Highways Agency confirmed that the vertical alignment of the diverted B579 Luton Road in the Published Scheme has been designed to ensure that a future LNB overbridge would have sufficient clearance. The width of such a structure could not be firmly established at this stage, as it would be heavily influenced by whether a future LNB links to the A6 or goes further and links also to the A505<sup>[8.72]</sup>.
- 9.81 As the Highways Agency is clearly well aware of this issue and has taken account of it in the design of the Published Scheme, there is no reason to doubt its assurances that any subsequent works to accommodate a LNB would only be likely to require limited night-time closures of the B579 Luton Road. With these points in mind, Mr Lyon indicated, at the Inquiry, that insofar as GM is concerned, he would have been prepared to withdraw AR5. It was, however, retained for consideration as there had been a few other expressions of support for such an option<sup>[8.74]</sup>.
- 9.82 This alternative would, however, result in some significant traffic increases on roads to the east of the M1, with some 20,400vpd predicted in 2017 on Sundon Road at Streatley, compared to 11,800vpd with the Published Scheme. This amounts to an increase of about 73%<sup>[8.11]</sup>. AR5 would also result in additional scheme costs and environmental impact, with this latter point being stressed by The Wildlife Trust (CO3) as a clear reason why it should not be pursued<sup>[7.6]</sup>. As the Highways Agency points out, the Published Scheme would meet its objectives without having these disadvantages.
- 9.83 Mr Lyon is also concerned about the extent of GM owned land which would be affected by the proposed realignment of the B579 Luton Road, but I am satisfied that his suggested alignment would not be a realistic alternative. It would involve 2 tight bends which would be likely to impact on safety, and would require further land to accommodate the necessary visibility splays within the new highway boundary. In contrast, the design for the B579 diversion, as presented in the Published Scheme, would minimise land take requirements within safety and geometric constraints<sup>[8.70]</sup>.
- 9.84 Taking the above points into account I conclude that AR5 would not offer any material advantage over the Published Scheme and should therefore not be investigated further.

Alternative Route No 6 (AR6)

- 9.85 AR6, which would comprise a single large roundabout in place of the dumb-bell arrangement for Junction 11A, was put forward by both Mr Currell (Obj 19) and Chalton Parish Council (Obj 32), on the grounds that the proposed dumb-bell arrangement would be too complicated. I am not persuaded, however, that such an arrangement would offer any significant advantage over the Published Scheme. Whilst it would marginally reduce land-take, it would cost some £3 million more than the Published Scheme without providing any additional capacity<sup>[8.13]</sup>. Moreover, it would require future traffic travelling from the A5-M1 Link to the proposed WSC to travel further, and would also increase the potential severity of accidents<sup>[8.13]</sup>. It is opposed by Houghton Regis Town Council (CO15) as it would increase costs for no apparent advantage.

9.86 I conclude that AR6 would not offer any material advantage over the Published Scheme and should therefore not be investigated further.

*Summary*

9.87 None of the evidence put forward by objectors makes a persuasive case for any of the Alternative Routes detailed above. None of these alternatives perform better than the Published Scheme, with several having significant disadvantages in terms of increasing traffic levels on the poorer quality local roads, especially to the east of the motorway. It is quite clear that improved access from local roads to the M1 cannot be achieved without the new Junction 11A, and having regard to all the points detailed above, I share the Highways Agency's view that the Published Scheme would be the quickest and most appropriate way of providing such a junction<sup>[8.61]</sup>.

9.88 Both the WSC and the LNB, which are directly associated with planned major development in the Houghton Regis and north Luton areas, would then be able to link into this junction. The most appropriate time to provide these connections would be in tandem with the developments they support. In this way, adverse impacts on other local roads would be minimised.

9.89 Overall I conclude that the Published Scheme would not have an unacceptably adverse impact on Chalton or other nearby villages, and that the provision of local road connections to Junction 11A at this time, or modifications to the layout of this junction, cannot be justified.

**The effect of the Scheme in terms of Noise, Air Quality and Lighting**<sup>59</sup>

9.90 Objections relating to the likely noise, air quality and lighting impact of the Published Scheme ranged from specific concerns about individual properties, to more general fears about the overall effect of the Scheme. The objection from Mr Valks (Obj 1), who lives at the dwelling "Lindum" on Sundon Road, immediately to the east of the mainline railway, falls into the first of these categories.

9.91 Mr Valks has questioned the adequacy of the noise screening and bunding within the Scheme, but no firm, technical evidence has been submitted to cause me to doubt the Highways Agency's noise assessments, which have been undertaken in accordance with standard methodology and guidance. Computer modelling of the predicted noise levels with the Published Scheme indicates that Mr Valks' property would experience negligible to minor decreases in noise levels and, as such, additional bunding or screening could not be justified. Modelling work has also shown there would be a negligible effect on Air Quality in the vicinity of Mr Valks' property and there is no firm evidence before me to cause me to take a different view on this matter<sup>[8.78-8.81]</sup>.

9.92 The closest street lighting would be the 12m columns proposed for the B579 Luton Road Diversion, which would be positioned some 160m away from Mr Valks' property<sup>[8.79]</sup>. Whilst I acknowledge that these columns may be visible from this property, their impact would be lessened by the distance and the intervening vegetation. These points, coupled with the fact that the technology

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<sup>59</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Mr Valks(1), Mr Coles(9), Mr Cutler (16), Sustrans(17), Mrs Kitchen(18), Mr Currell(19), Mr Bough(20), Mr & Mrs Hull(27), Mr Adburgham (CPRE)(31), Chalton PC(32), Mr, Mrs & Ms Grygiel(33-35), Mr Brialey(47)

- proposed would ensure that light would be concentrated onto the carriageway and verges and not onto the surrounding area or upwards<sup>[8.37]</sup>, leads me to conclude that there would be no unacceptable impact of lighting at Mr Valks' property.
- 9.93 In this regard I have noted Mr Valks' comments that screening from trees along the top banks of the railway cannot be guaranteed, as these trees are cut down on a regular basis. But the cross-section drawing included in the Highways Agency's evidence indicates that these trees would not provide the only screening<sup>[8.80]</sup>. The suggestion that the hedge next to his property could be allowed to grow higher to provide additional screening would, of course, be a matter for Mr Valks himself to decide. But as the hedge is located some 5m from the dwelling I see no reason why allowing it to grow somewhat should have any materially adverse impact on the dwellings' foundations or drainage.
- 9.94 Mr and Mrs Hull (Obj 27) of "Granton", Sundon Road, also make specific objections, as their property lies immediately to the east of the mainline railway. I deal with matters of dust and fumes in the following section, but Mr and Mrs Hull are also concerned about noise from the A5-M1 Link and lights at night. Noise level assessments carried out for Mr and Mrs Hull's property show that there would be a small reduction in noise levels in 2031 (15 years after opening) compared to the situation of the Scheme not being built. This would be the result of increased noise from increased traffic flows being more than offset by reduced noise arising from the installation of low-noise surfacing on the M1 motorway<sup>[8.36]</sup>.
- 9.95 With regards to lighting, it is proposed to light the carriageways of Junction 11A and the associated local roads for safety reasons. However, as noted above, use of the latest lighting technology would minimise any light pollution.
- 9.96 Specific objections also come from Mrs Kitchen (Obj 18) and Mr Bough (Obj 20), both of whom live immediately to the west of the motorway on the section of Luton Road which would be made into a cul-de-sac by the implementation of the Published Scheme. Both are concerned about increased levels of noise and air pollution<sup>[5.50, 5.51]</sup>.
- 9.97 I understand that an extensive noise barrier is proposed alongside the northbound on-slip for the motorway, which lies to the east of these 2 properties, together with landscape bunding<sup>[8.96]</sup>. This would provide mitigation for noise impacts and, as noted above, future noise levels in the area generally are predicted to reduce, as a result of the proposed future low-noise surfacing on the M1 motorway. These measures would result in a negligible/minor benefit for noise change in the vicinity of these 2 properties. Air quality has been assessed in the ES and although the Published Scheme would lead to small increases in the level of pollutants such as nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>), this is assessed as having a negligible impact on the air quality, which would still be of a good standard<sup>[8.96]</sup>.
- 9.98 The majority of the remaining objections in this section raised more general concerns of noise and light pollution, and its likely impact on the quality of life of nearby residents, primarily within Chalton. No contrary, technical evidence has been submitted to seriously call into question the assessments undertaken and presented by the Highways Agency. These assessments indicate that in the Scheme opening year of 2016 there would be a negligible change in noise levels

- across Chalton village as a result of the Published Scheme, when compared to the noise levels without the Scheme<sup>[8.36]</sup>.
- 9.99 Fifteen years after opening, there would still be a negligible change in noise levels to the properties fronting the B579 through Chalton village with the A5-M1 Link scheme, when compared to the noise levels in 2016 without the Scheme. There would be noise decreases across the rest of the village, classed as negligible/minor beneficial, arising from the provision of low-noise road surfacing on the motorway, already referred to, some time before 2031. In summary the results of the assessment are that the provision of noise mitigation in relation to the B579 through Chalton is not required and accordingly is not proposed<sup>[8.36]</sup>.
- 9.100 The ES explains that the village is outside the night-time zone of visual influence and, accordingly, would not be subject to light pollution from the A5-M1 Link<sup>[8.37]</sup>. In any case, I have already referred to the fact that the latest technology would be used for the design and installation of lighting units. These measures would ensure that any light pollution would be minimised.
- 9.101 With regards to air pollution generally within the village, the ES has concluded that it would not be significantly affected by the proposed A5-M1 Link as the change in concentrations of pollutants emitted from road vehicle exhausts would be negligible<sup>[8.37]</sup>. No technical evidence has been submitted to throw doubt on this assessment.
- 9.102 The final objection under this heading comes from Mr Adburgham on behalf of the Campaign to Protect Rural England (CPRE) (Obj 31). Mr Adburgham recognises that the Highways Agency has reduced the extent of lighting on the Scheme, both in the vicinity of the proposed Junction 11A and also on the stretch of proposed new road between the A5 and the A5120, through a variety of measures, including approved Departures from Standards<sup>[5.27-5.29]</sup>. But he contends that the currently proposed extent of lighting at the western end of the Scheme is still excessive and does not appear to be based on any empirical evidence. He argues that if lighting is considered necessary it should be reduced further to give a length of no more than about 100m, and maintains that the CPRE's position is supported by paragraph 125 of the Framework<sup>[5.29]</sup>.
- 9.103 The Highways Agency states that for safety reasons the A5 and A5120 roundabouts would be lit, as would the carriageways of Junction 11A, together with the associated local roads<sup>[8.62]</sup>. This is sound practice, as junctions are clearly the locations where conflicting vehicle movements take place, and therefore where it is important to ensure drivers are not compromised or hampered by poor illumination. Despite objecting to the extent of proposed lighting at the eastern end of the scheme in his original objection, Mr Adburgham did not pursue this matter at the Inquiry and because of this, and the absence of any technical evidence to argue for a different quantum of lighting, I see no reason to take a contrary view to the Highways Agency on this matter.
- 9.104 At the western end, the approved Departure from Standards means that lighting is proposed to extend for a distance of 215m eastwards from the end of the eastbound dedicated left turn lane from the A5 north, to cover the area where vehicles may be weaving on exiting the roundabout or dedicated lane. This distance has been reduced from an originally proposed 443m as a result of allowing for a lower Design Speed (100kph instead of 120kph), and by adopting

a multiplier of 1.0 x Desirable Minimum Stopping Sight Distance, rather than the 1.5 set out in TD34/07 from the DMRB<sup>[8.62-8.63]</sup>.

- 9.105 This decrease amounts to a significant overall reduction of more than 50% and no sound, technically justified reason has been put before me to support any further reduction. Notwithstanding Mr Adburgham's reference to paragraph 125 of the Framework, a balance has to be struck between the environmental impact of the lighting and safety considerations. The DMRB indicates that relaxations in the Standards may be introduced at the discretion of the designer, and the currently proposed distance has the support of the designers who have been preparing the Scheme for the Highways Agency<sup>[8.65]</sup>. In these circumstances, and in the absence of any persuasive and convincing argument that the distance could be reduced further, while maintaining an adequate degree of safety, I conclude that the proposed distance of 215m is both appropriate and justified.

Summary

- 9.106 In view of all the above points I conclude that the Published Scheme would not have an unacceptably adverse effect in terms of noise, air quality and lighting.

**Whether the Scheme would give rise to disruption during construction<sup>60</sup>**

- 9.107 A number of objectors, primarily local residents, contend that the Published Scheme would lead to unacceptable disruption during construction. Mr Currell (Obj 19) and Chalton Parish Council (Obj 32) both refer to potential noise, out of hours working and temporary road closures, whilst Mr Bough (Obj 20) expresses a general concern about disruption whilst the work is carried out and asks for strict controls once it commences<sup>[5.51]</sup>. Mr and Mrs Hull (Obj 27) raise concerns about the potential impact of dust and fumes during construction on Mr Hull's health, and also state that they would be disturbed by lorries travelling to and from the site<sup>[5.56]</sup>. Mr Lyon's concerns about possible disruption to GM's operations during construction have already been addressed, above.
- 9.108 In response to these points, the Highways Agency has advised that its contractor has developed a Construction Environmental Management Plan (CEMP), to identify all of the relevant environmental issues, explain why they might be sensitive, how they would be managed and how the impacts would be minimised during the site works<sup>[8.38]</sup>. Specifically, in response to the matters raised in objections above, the Highways Agency has confirmed that every effort would be made during the construction phase to keep fumes and dust to a minimum; and that Sundon Road past Mr and Mrs Hull's property would not be used as a construction access.
- 9.109 Indeed, the Highways Agency has indicated that the works' sites would be accessed from the motorway and from the A5. This should minimise the need for heavy works vehicles to use the A5120, B579 and B530 during construction. It has also indicated that any additional need for traffic management, short-term local road closures for safety reasons or unusual working activities/hours would be communicated in advance and adequate alternative arrangements would be made for local access<sup>[8.38]</sup>.

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<sup>60</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Mr Currell(19), Mr Bough(20), Mr & Mrs Hull(27), Chalton PC(32) & Mr Lyon(39)



- 9.110 Furthermore, the Highways Agency has stated that all construction staff would be made aware of these issues and would receive appropriate environmental training. Throughout the construction works, liaison would be undertaken with the relevant authorities and local residents to keep them informed of planned activities and respond to any comments and queries which may arise<sup>[3.84]</sup>.
- 9.111 Some disruption is likely to be inevitable when a major scheme such as this is under construction, but the points detailed above indicate that the Highway Agency is well aware of such matters and has taken the necessary steps to address them. In these circumstances I conclude that provided the construction process is well-managed, and works are undertaken in accordance with the CEMP, disruption during construction should be kept to acceptable levels.

Summary

- 9.112 Taking all the above points into account, I conclude that the Published Scheme would not give rise to unacceptable disruption during construction.

**The Effect of the Scheme on the Public Rights of Way (PRoW) Network<sup>61</sup>**

- 9.113 Sustrans (Obj 17) argues that greater benefits would be achieved if money was invested in walking, cycling and public transport rather than in the Published Scheme. It further contends that the Scheme would not pay adequate regard to NMUs and therefore would not adhere to standards<sup>[5.49]</sup>. From the submitted evidence I see that the Highways Agency has provided a substantial, detailed response to Sustrans, addressing the many points which it has raised. However, no further response has been received from this objector, who chose not to appear at the Inquiry. In these circumstances the extent to which Sustrans' objections may have been satisfied is unknown.
- 9.114 The points made by Sustrans are of a very general nature, with no specific examples of problems being given. Notwithstanding this, it is clear that the needs of walkers, cyclists and equestrians have been taken into account in the Published Scheme, with consultation having been undertaken with the local highway authority and interested groups representing NMUs<sup>[8.94]</sup>. It is as a result of the discussions with these groups that the NMU provision in the Published Scheme has been developed, with agreement reached that the closure and realignment of footpaths and bridleways would be kept to a minimum and no footpaths would be stopped up without an alternative being available. In this regard the Scheme makes provision for NMUs at each of its bridges, with the Thorn Farm overbridge having been designed to facilitate future use by cyclists and equestrians, in anticipation of a future Icknield Way Trail equestrian route<sup>[8.94]</sup>.
- 9.115 In addition, further provisions and improvements for NMUs are included within the overall Scheme, as detailed in the Highways Agency's evidence<sup>[8.94]</sup>. In the absence of any detailed information to the contrary, I conclude that the concerns of Sustrans on this matter are unfounded.
- 9.116 Mr Currell (Obj 19) and Chalton Parish Council (Obj 32) raised identical concerns about the pedestrian provision within the Published Scheme, especially in the vicinity of the proposed Junction 11A. It seems to me, however, that

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<sup>61</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Mr Valks(1), Sustrans(17), Mr Currell(19), Chalton PC(32), Miss Butters (45) & Mr Rowe (Chiltern Society)(Rep11)

- extensive provision has been made in the Scheme for the needs of NMUs from Chalton. These have been set out in detail on Drawing No D110843/SK/189 and include footways, bridleways, cycleways and the BOAT. A safe crossing of the motorway would be provided in the form of a combined footway/bridleway/cycleway located in the northern verge of the B579 Luton Road overbridge<sup>[8.41]</sup>.
- 9.117 The concerns raised by Miss Butters (Obj 45) relate primarily to possible bridleway crossings of the A5, the loss of bridleway facilities relating to Bridleway BW49 and the existing A5, and the dangers of crossing the existing A5<sup>[5.63]</sup>. However, the Published Scheme does not affect the bridleway network in the vicinity of the existing A5 and the Scheme therefore makes no provision for a Pegasus Crossing on the A5. Moreover, there are no proposals in the draft Orders which would modify the existing PRoW in the area of Chalk Hill and the A505 roundabout, including BW49. It was pointed out, however, that if the A5-M1 Link is implemented traffic flows are predicted to reduce on the Chalk Hill part of the A5<sup>[8.117]</sup>. I share the Highways Agency's view that this should make it easier to cross the A5 at this location.
- 9.118 Other concerns raised by Miss Butters would be addressed by proposed improvements to the equestrian network. These include removing the need to cross the motorway twice to reach Chalton, the Pegasus crossing proposed for the A5120 and an alternative to BOAT No 9 to reach Sundon Road from Bridleway 22 via the proposed Bridleway 44<sup>[8.118]</sup>.
- 9.119 Finally under this heading, a number of representations were made by Mr Rowe (Rep 11) on behalf of the Chiltern Society. The first point relates to the absence of a central reservation at the informal crossing proposed for A5120, south of its junction with the proposed A5-M1 Link, which Mr Rowe considers to be essential<sup>[6.3]</sup>. However, on the basis of the predicted traffic flows for this stretch of road an informal crossing would appear to be appropriate, in both 2016 and 2031 assessment years, in accordance with guidance in TA91/05 from the DMRB. This is reinforced by the generally low level of use of Footpaths A11 and 13 recorded in the NMU Surveys. Although these were undertaken in 2005, no evidence has been submitted to suggest that the use of these footpaths has altered materially over recent years<sup>[8.128]</sup>.
- 9.120 Furthermore, the location chosen would not only provide a crossing where the A5120 is just 7m wide, as opposed to the 10m width at the location further north suggested by Mr Rowe, but would also maximise the available visibility for both NMUs and drivers of vehicles. 160m would be achievable on both approaches to the crossing, a figure which would be appropriate in view of the measured speed of traffic on this road. Providing this length of visibility in both directions would not be possible at the location favoured by Mr Rowe. A further advantage of the currently proposed location is that the crossing could be designed in accordance with standards, without the need to acquire land from either The Orchard or Calcutt Lodge<sup>[8.130]</sup>.
- 9.121 I have noted Mr Rowe's comment that there have been fatal accidents involving pedestrians on the Redbourn Bypass, which has informal crossings as proposed in the Published Scheme, although this matter could not be verified by the information submitted to the Inquiry<sup>[6.4, 8.133]</sup>. As such, coupled with the other points detailed above, this cannot weigh heavily in support of Mr Rowe's case.
- 9.122 Overall I share the Highways Agency's view that the crossing as proposed is of the appropriate form and would be in the optimum location. It may well be that

this needs to be reviewed at some future time in the light of planned major development in the Houghton Regis area, but that is not a matter for the current Orders.

- 9.123 Mr Rowe's second point of concern relates to the proposed location of Structure 2, the Icknield Way footbridge, which he considers should be moved further to the west to be closer to the actual alignment of the Icknield Way<sup>[6.5]</sup>. However, it seems to me that the currently proposed location is a reasonable balance of all relevant matters, including the respective diversion distances for users of both Footpath 40 and Footpath A11, as well as cyclists diverted off the A5120. The fact that the chosen location is where the main carriageways would be in shallow cut is a further advantage, as this would allow the bridge to sit lower, thereby reducing its impact on the landscape. This would also reduce the amount of imported fill material required to construct the approach ramps<sup>[8.134]</sup>.
- 9.124 If the overbridge was positioned on the line of the existing Footpath 40 it could necessitate the loss of a mature hedgerow and would be close to the 400kv overhead electricity lines and associated pylon infrastructure. In contrast the currently proposed location would avoid the aforementioned hedge, would also avoid potential land severance arising from the embankment footprints, and would also allow safe clearances to be provided to the power lines during construction and in operation and maintenance<sup>[8.136]</sup>. In view of all these points I conclude that on balance, the best location has been selected.
- 9.125 Mr Rowe also sought a diversion of Footpath 29 in a straight line from the A5 to the bottom of the steps up the Thorn Farm overbridge embankment, instead of it joining the fence alongside the A5-M1 Link and then following the fence-line to the embankment steps<sup>[6.6]</sup>. However, such a diversion would not be a necessary consequence of the Scheme, and as the extra distance involved in the Published Scheme is only some 55m I share the Highways Agency's view that the suggested diversion could not be justified<sup>[8.137]</sup>.
- 9.126 Mr Rowe's final point seeks a diversion of Footpath 16 to create a more direct route between BOAT No 9 and Footpath 5<sup>[6.7]</sup>. The Highways Agency has responded positively to this, and has agreed to a modification to the Orders to provide a set of steps, allowing NMUs to take a direct route onto the approach ramp of this bridge. Modification No 2 to the SRO No 1, sheet 5, incorporates this request by adding an additional link (New Highway Ref F), via steps, between Footpath 16 and the New Highway Ref D<sup>[8.138]</sup> and I conclude that this modification should be made to the draft Orders.

### Summary

- 9.127 To summarise the above points, with the incorporation of Side Roads Order No 1 Sheet 5 Modification No 2 into the Published Scheme, I conclude that there would be no unacceptable adverse impact on the PRoW network.

### **Effect of the Scheme on access arrangements to various properties<sup>62</sup>**

- 9.128 The existing access to Grove Farm, owned by Mr and Mrs Dryden (Obj 22), shares a route with Bridleway 46. It runs eastwards from its junction with the

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<sup>62</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Network Rail(2), Mr Fazal(11), Mr D Y Buckingham(13), Mr & Mrs Dryden(22), Trustees of M J Shanley Ltd(23), Mr E Buckingham(42)

- A5120 at the location where the new roundabout is proposed. This has necessitated a realignment of this combined access/bridleway, which would utilise part of the existing A5120 (which would be made redundant by the Scheme), and form a new junction with the realigned A5120 some 120m to the north of the proposed roundabout<sup>[3.96]</sup>.
- 9.129 However, to provide this new access, land would be required from Mr D Y and Mrs E A Buckingham (Obj 13) and Mr E P Buckingham (Obj 42) for the construction of the earthworks and road pavement. As a result it would require Mr and Mrs Dryden to have a right of access over third parties' land for them to reach their own property and land. This is not the case currently, and the proposed access arrangements are opposed by the Drydens<sup>[5.53]</sup>.
- 9.130 An alternative arrangement has therefore been devised, which would retain the existing access with the section of A5120 to be bypassed, and would then link across to the realigned A5120 about 75m to the north of the proposed roundabout<sup>[3.97, 5.53]</sup>. This would avoid the need for rights of access over third party land and has been agreed as acceptable by all parties concerned<sup>[5.45, 5.53, 5.62]</sup>. The modification would also involve the use of third party land included in the published CPO for a limited period during the construction, to accommodate the construction of a surface water culvert under the modified access. A temporary access/bridleway route is also included<sup>[3.97]</sup>. The details are contained in Side Roads Order No 1 Sheet 3 Modification No 1 and I conclude that these alternative access arrangements should be substituted for those currently proposed in the draft Orders.
- 9.131 The draft Orders propose that access to land owned by the Trustees of M J Shanley Ltd (Obj 23), located to the west of the proposed realigned B579, south-east of Chalton, should be taken from the realigned BOAT No 9. The Trustees objected to this and requested that access be provided directly from the proposed new roundabout to their retained land. This would be coexistent with the BOAT for part of its length and the proposal was treated by the Highways Agency as an Alternative Route (AR8), and duly publicised<sup>[3.100, 5.54-5.55, 8.19-8.20]</sup>.
- 9.132 The only counter-objector is the Rights of Way Officer from CBC, who expresses concerns about any reduction in length of the byway and the proposed sharp change of direction which AR8 would introduce. She also comments that CBC Road Safety Officers would have to consider the possible implications of any change of exit location onto the roundabout. However, she also considers there to be some positive aspects of AR8 such as potentially slowing users down before they reach the roundabout as well as keeping the byway largely free of agricultural traffic and thereby reducing the amount of conflict between vehicles and other, non-motorised users<sup>[7.24-7.25]</sup>.
- 9.133 In principle, AR8 is acceptable to the Trustees, although they argue that the surfaced width should be increased to 7.3m, to ensure that the land can be adequately accessed by either 2 passing HGVs or similar agricultural vehicles. They further argue that the entry and exit splays and radii should be modified to accommodate an adequate connection to the western roundabout and avoid any risk of blocking back onto the roundabout, and that the road pavement specification should be identical to the roundabout<sup>[5.54-5.55]</sup>.
- 9.134 However, these requests go well beyond what would be necessary for agricultural purposes. A full 7.3m width and changes to entry and exit splays

could not be justified for the likely infrequent use which would be made of the access with the land in its current use. Moreover, I see no reason why such an access, to serve agricultural land and the BOAT, would need to be constructed to the same standard as the roundabout itself. Surfacing and construction appropriate to agricultural and BOAT usage is all that could be justified at the present time. I have noted that the Highways Agency has agreed to the provision of a gate at the end of the PMA, as sought by the objector<sup>[8.103-8.105]</sup>.

- 9.135 In view of the above points I conclude that AR8, as defined by the Highways Agency and set out in Side Roads Order No 2 Sheet 1 Modification No 1, should be incorporated into the Published Scheme.
- 9.136 The final access arrangement concern relates to Long Meadow Farm, owned by Mr Fazal (Obj 11), located immediately to the east of the motorway and served by Sundon Road. In the draft Orders, a new access to this property is proposed from the new eastern roundabout on the B579 Luton Road. This access is proposed to split, with a spur branching off eastwards to serve land adjacent to the mainline railway in the ownership of Network Rail. Mr Fazal objected to a third party having a right of access over his land, as this had not been the case in the past, and a related objection was lodged by Network Rail (Obj 2)<sup>[3.102]</sup>.
- 9.137 This matter is proposed to be resolved by Side Roads Order No 2 Sheet 2 Modification No 2, which would remove the Network Rail access from Mr Fazal's land and re-route it within land to be purchased for the highway improvements<sup>[3.102, 3.103]</sup>. Both affected parties are satisfied with this proposed solution and have withdrawn their objections on the strength of it. I see no reason to oppose this modification, which I conclude should be incorporated into the Published Scheme.

### **Whether CPO powers should be used in relation to certain plots<sup>63</sup>**

- 9.138 Many of the queries and objections about the need to acquire certain plots of land come from Mr D Y Buckingham (Obj 13) and Mr E P Buckingham (Obj 42). From the evidence before me I am satisfied that it would be necessary for the Highways Agency to have a right of access over Plot 2/2A, sited adjacent to Bridleway 46, in order to maintain access to the upstream end of the existing culvert under the Grove Farm access track, which is part of the overall proposed drainage system<sup>[5.44,8.84]</sup>.
- 9.139 Plots 2/1G and 2/1H are in the same general area, lying between the proposed A5-M1 Link and Bridleway 46. The proposed landscaping plans indicate that they would be used for substantial woodland planting, to mitigate the loss of existing trees and to help to integrate the carriageway into the broader landscape. It is clear that woodland planting at this point would also assist in screening the new roundabout from visual receptors to the north and east and would also screen the A5-M1 Link itself from users of Bridleway 46, which would pass very close to the line of the road at this point. This wooded area would also provide useful foraging for mammals<sup>[8.113]</sup>.
- 9.140 Mr E P Buckingham objects to the acquisition of Plot 2/1O which, under the Published Scheme, would be planted as Species Rich Grassland. He states that

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<sup>63</sup> Objections covered by this topic include those raised by the following (Objector numbers in brackets): Mr D Y Buckingham(13) & Mr E Buckingham(42)

this land has been farmed by his family for over 40 years, that it would be quite suitable for his family's livery business, and that there is already sufficient Species Rich Grassland in the area. He comments that even if the plot was to remain in his ownership, the hedge along its southern boundary could not be removed as he does not own the land to the south<sup>[5.61]</sup>.

- 9.141 However, although all of these points are noted and understood, the proper integration of the proposed road into its setting and the preservation and strengthening of landscaping and habitat is an extremely important component of the overall Scheme. As the Highways Agency has commented, the objective of habitat creation is influenced by what is appropriate to the local area and not necessarily by scarcity<sup>[8.115]</sup>. Accordingly, I cannot oppose the proposed planting of Species Rich Grassland for this plot, especially as it would be the start of an unbroken strip of planting from the A5120 to the Sundon Road overbridge.
- 9.142 Moreover, the submitted evidence indicates the importance of the hedgerows around this plot, with the southern hedge providing a significant element of existing vegetation in the overall landscaping of the scheme and bat flight lines being recorded along the western boundary. As the hedge has a suitable structure to provide a foraging area it is therefore very likely to be an important element of the local bat habitat. I acknowledge that the proposed roundabout would be a somewhat limiting feature, but the linking of key habitats would still be an important part of the essential mitigation of the Scheme<sup>[8.115]</sup>. Although the Highways Agency has stated that badger activity has also been identified in the area I have been unable to verify, from the Technical Badger Report contained in the Deposited Documents, the comment that Plot 2/10 is on the boundary of 2 territories<sup>[8.114]</sup>.
- 9.143 But notwithstanding this last point, Plot 2/10 seems to me to clearly be necessary for the Scheme, in order to provide the functions detailed above. In view of all these points I share the Highways Agency's view that the retention of these important mature hedgerows and the guaranteed use of the land for mitigation purposes could only be achieved with certainty by incorporating this plot into the CPO.
- 9.144 With regards to the need to acquire other plots, questioned by Mr E P Buckingham, 2/1J would be required for the temporary storage of topsoil and would be returned to Mr Buckingham after the construction of the Scheme. Plot 2/1K would provide landscaping to mitigate the impact of the Scheme and to provide screening<sup>[8.112]</sup>.
- 9.145 Overall, having regard to the detailed evidence submitted by the Highways Agency, particularly with regard to landscaping and ecology, I consider there to be sound reasons why each the queried plots set out above would be necessary for the successful construction of the Published Scheme. I therefore conclude that CPO powers should be used to acquire them, for the reasons given.

### **Other Matters**

- 9.146 Mr Ford (Obj 4) proposes 2 much more extensive alternative options for the detrunking of the A5, but provides no reasons why he considers such actions should be taken<sup>[5.39]</sup>. No clear operational or planning reasons have been put forward and there are no financial or operational reasons to detrunk the A5 for any longer than the proposed section from M1 Junction 9 up to the roundabout

at the western end of the Published Scheme. The Highways Agency points out that implementing either of Mr Ford's proposals would leave Milton Keynes without a trunk road, which would have serious implications for development proposed in the area, and no contrary evidence to rebut this view has been submitted<sup>[8.82]</sup>. In these circumstances there is nothing to persuade me that such options have merit. For these reasons I conclude that the objections of Mr Ford to the Orders cannot be sustained.

- 9.147 A length of existing B579 immediately to the west of the motorway would become redundant under the Published Scheme and would be truncated as a cul-de-sac giving access to properties owned by Mrs Kitchen (Obj 18) and Mr Bough (Obj 20). Both of these objectors raise concerns that this would result in problems of fly tipping, travellers settling and security risks<sup>[5.50, 5.51]</sup>. I understand and sympathise with these views, but this truncated section of Luton Road would remain as public highway and CBC would have greater legal powers to remove unwanted persons from the highway than an individual would have on private land. If fly-tipping should occur, the expense of removing it would be the responsibility of CBC rather than the adjacent land owner<sup>[8.97, 8.99]</sup>.
- 9.148 Mrs Kitchen has also raised concerns about the speed of traffic on the B579 Luton Road, arguing that a 30mph limit should be imposed. In addition she comments that the existing electricity pylons in the adjacent field to the east should not be moved closer to her property or made higher, as to do so would have a detrimental effect on her property<sup>[5.50]</sup>. On the first of these points, the diverted B579 would be the responsibility of CBC as local highway authority and it would be subject to the national speed limit, unless changed by CBC.
- 9.149 On the second point, the cables running closest to the motorway would be replaced with an underground cable, whilst some raising of the line to the west of this is likely to be necessary, to allow the appropriate clearance at Junction 11A and the B579 overbridge. This would be dealt with directly by UK Power Networks and I understand that the Highways Agency has undertaken to keep Mrs Kitchen informed as the design progresses<sup>[8.97]</sup>. Having visited this location on my accompanied site visit I see no reason why a modest increase in height of the cables should have an unacceptable impact on the surrounding area. For the above reasons I conclude that the objections of Mrs Kitchen and Mr Bough to the Orders cannot be sustained.
- 9.150 The concerns of Mr and Mrs Hull (Obj 27) that the Published Scheme would have a serious effect on their property, making it impossible to sell and reducing its value are noted. It does appear, however, that some of Mr and Mrs Hull's comments may relate to an earlier motorway widening proposal, which would have required the construction of a large embankment adjacent to Long Meadow Farm, rather than the current Scheme<sup>[8.108]</sup>. I understand that the Highways Agency has provided Mr & Mrs Hull with information booklets describing Compulsory Purchase and Compensation and has put them in touch with an appropriate person who can assist with further detailed queries on this topic<sup>[8.108]</sup>. All of the proposed construction works would be on the opposite side of the mainline railway to Mr and Mrs Hull's property, and issues relating to any disruption during construction have been dealt with earlier. In view of these points I conclude that this objection by Mr and Mrs Hull cannot be sustained.
- 9.151 There are unwithdrawn objections from Mr Sullivan (Obj 30) and the CPRE West Midlands Regional Transport Group (Obj 41), contending that the Published Scheme should include provision for a new high speed railway link (HS2) beside

the M1, at the eastern end<sup>[5.14, 5.59]</sup>. However, the fact that the preferred route for the HS2 railway line, remote from the A5-M1 Link, was announced in January 2012 has to call into question the merit of such objections. If a rail route parallel to the M1 north of Luton was to be subsequently chosen over the now published Preferred Route for HS2, it would be the responsibility of the company set up to deliver HS2 to secure any requisite modifications to the existing motorway and associated local infrastructure<sup>[8.110, 8.112]</sup>. In these circumstances I conclude that this objection by Mr Sullivan and the CPRE West Midlands Regional Transport Group cannot be sustained.

- 9.152 Three areas of land specified in CPO No 2, totalling some 196sqm, fall within an area designated as Public Open Space by LBC. They are needed to create the access off Kestrel Way to attenuation pond No 6 but would be offered back to LBC on completion, subject to a right of access in favour of the Secretary of State for Transport<sup>[3.92]</sup>. No specific objections have been made to the acquisition of these plots of land, and I see no reason why they should not be acquired to allow the implementation of the Published Scheme.
- 9.153 As the area of land in question is less than 209sqm (250 sq yards)<sup>[3.92]</sup>, the figure detailed in Section 19(1)(b) of the Acquisition of Land Act 1981, I conclude that development could take place on this land without the need to provide exchange land. A Public Notice of Intention to issue a Certificate to this effect has been prepared and in view of the above points I conclude that it should be issued as drafted.
- 9.154 With regard to any potential interference with human rights, I am mindful that the design of the Scheme has sought to maintain local access wherever practicable, with the provision of overbridges, and I consider that appropriate measures have been taken to mitigate adverse effects<sup>[3.90]</sup>. I agree with the Highways Agency that any residual interference with human rights would be necessary to achieve the Scheme and that it would be proportionate.

### **Conclusion on the Line Order and the Connecting Roads Scheme**

- 9.155 The Trunk Road (Line) Order would provide for the new main road to run from the A5 to the M1 motorway and would include the slip road at the western end of the scheme, between the south-east bound carriageway of the A5 and the north-east bound carriageway of the new main road. The Connecting Roads Scheme (CRS) would provide the 4 connecting slip roads which would join the eastern and western dumb-bell roundabouts with the M1 motorway.
- 9.156 The tests for making the Line Order and the CRS are set out in paragraphs 9.4 to 9.7 above. I am satisfied that the Published Scheme is generally in accord with national and local planning policies. I conclude at paragraph 9.18 that it is in accord with prevailing transport policy and would represent sustainable development, although it would not reduce dependency upon the car. I am also satisfied that the scheme has had regard to the need to minimise agricultural land-take as far as practicable. I conclude at paragraphs 9.22 and 9.23 that the benefits of the scheme clearly outweigh the limited conflict with planning policy, when the proposed mitigation measures are taken into account. Although I do not consider that the Scheme would constitute inappropriate development, if the Secretaries of State take a different view I have concluded that very special circumstances exist to justify such development in the Green Belt.



- 9.157 The objectives of the Scheme are summarised in paragraph 3.20. At paragraph 9.59 I conclude that the Published Scheme would achieve its objective of providing a value for money link between the A5 and the M1 as an alternative to the existing A5 and A505 routes through Dunstable town centre. In paragraphs 9.59 to 9.60 I also conclude that it would reduce the levels of strategic traffic passing through Dunstable, would produce a net reduction in traffic levels on the local road network and would lead to accident savings and reductions in journey times.
- 9.158 In view of these points, in my assessment, the Published Scheme is expedient for the purpose of improving the national system of routes in England and Wales and is justified in the public interest. I consider that the objections made to the Orders and the CRS cannot be sustained and that the alternative routes proposed do not justify further investigation. I conclude that the Line Order and the CRS should be made as drafted.

### **Conclusion on the Detrunking Order**

- 9.159 The tests for making the Detrunking Order are set out in paragraph 9.7 above. At paragraphs 9.18 and 9.27 I conclude that by reducing the levels of traffic passing through Dunstable High Street the Published Scheme would allow environmental and safety measures to be undertaken on the detrunked section of the A5, and elsewhere within the town centre. This proposed detrunking would therefore be justified in the public interest. At paragraph 9.60 I conclude that objections to the proposed detrunking cannot be sustained and in paragraph 9.146 I conclude that alternative options for detrunking the A5 should not be pursued.
- 9.160 In my assessment the detrunking of the A5 as proposed in the Published Scheme would be an appropriate consequence of the construction of the A5-M1 Link and would therefore be expedient for the purpose of improving the national system of routes in England and Wales. I conclude that the Detrunking Order should be made as drafted.

### **Conclusion on the Side Roads Orders**

- 9.161 The Highways Agency asks for the Side Roads Orders (SRO No 1 & SRO No 2) to be made in the modified form contained in Doc HA/0/32. The modifications requested are explained in detail in the document.
- 9.162 SRO No 1 Sheet 3 Modification No 1 seeks to provide a revised form of access for Mr and Mrs Dryden at Grove Farm, which also forms part of Bridleway 46. I conclude, in paragraph 9.130 that this modification should be incorporated into the Published Scheme. This Modification also includes a minor amendment to Sheet 3 to correct a drafting error affecting the Plan but not the Schedule. In addition, this Modification includes 2 minor amendments to Schedule 3 to correct drafting errors<sup>[3.96, 3.97]</sup>.
- 9.163 SRO No 1 Sheet 5 Modification No 2 incorporates Mr Rowe's request to create a more direct route between BOAT No 9 and Footpath 5 by adding an additional link (New Highway Ref F), via steps, between Footpath 16 and the New Highway Ref D. I conclude, in paragraph 9.126 that this modification should be incorporated into the Published Scheme. This Modification also involves 2 minor amendments to Schedule 5 to correct drafting errors<sup>[3.98]</sup>.

- 9.164 SRO No 1 Sheet 2 Modification No 3 involves a minor amendment to Schedule 2 to correct a drafting error<sup>[3.99]</sup>.
- 9.165 SRO No 2 Sheet 1 Modification No 1 incorporates the request from the Trustees of M J Shanley Ltd to provide a direct access to the Trustees land from the proposed roundabout by incorporating a minor alignment revision to BOAT No 9 and incorporating the BOAT and the Trustees' access at the junction with the roundabout. In effect this amounts to Alternative Route No 8 (AR8). At paragraph 9.133 I have considered the Trustees' further request to modify the width and alignment of the access route shown in AR8, but in paragraph 9.134 I conclude that such changes are not justified. I conclude, in paragraph 9.135 that Modification No 1, as proposed by the Highways Agency, should be incorporated into the Published Scheme<sup>[3.100, 3.101]</sup>.
- 9.166 This Modification also includes a minor amendment to Sheet 1 to correct a drafting error. Two further, minor amendments are also required to Schedule 1 to correct drafting errors<sup>[3.101]</sup>.
- 9.167 SRO No 2 Sheet 2 Modification No 2 incorporates what amounts to a joint request from Mr Fazal and Network Rail to amend the access arrangements to their respective land holdings, so as to avoid Network Rail having to have a right of access over Mr Fazal's land. In paragraph 9.137 above I conclude that this modification should be incorporated into the Published Scheme. A corresponding amendment is needed to Schedule 2<sup>[3.102, 3.103]</sup>.
- 9.168 I consider that all the above modifications to the draft Orders can be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980.
- 9.169 With regard to statutory criteria to be satisfied, I am mindful that provision is being made for statutory undertakers' apparatus within the proposal and liaison between the Highways Agency and the companies affected is on-going<sup>[3.88]</sup>. Moreover, where a highway or PMA is to be stopped up, a reasonably convenient alternative route or access would be provided, as described in the schedules and plans of the draft SRO.
- 9.170 I conclude that Side Roads Order No 1 should be made with SRO Modifications Nos 1, 2 and 3; and that Side Roads Order No 2 should be made with SRO Modifications Nos 1 and 2.

### **Conclusions on the Compulsory Purchase Orders**

- 9.171 The Highways Agency asks for the Compulsory Purchase Orders (CPO No 1 & CPO No 2) to be made in the modified form contained in Doc HA/0/32. The modifications requested are explained in detail in the document.
- 9.172 CPO No 1 Sheet 1 Modification No 1 takes account of new information from the Land Registry search relating to the tenant of land owned by CBC. Modification No 1 also requires 3 additional plots, all owned by CBC, and amendments are also needed to a number of plots owned by Mr D E Fensome<sup>[3.104]</sup>.
- 9.173 CPO No 1 Sheet 2 Modification No 2 is necessary because of the changes to the Grove Farm access detailed in SRO No 1 Modification No 1. Some new plots are needed and others need to be amended, all owned by Mr E P Buckingham. In addition, some plots owned by Mr D Y Buckingham and Mrs E A Buckingham need to be amended, whilst others in the same ownership need to be removed. This Modification also requires some new plots and amendments to others, all owned by Mr R W Dryden and Mrs K M Dryden<sup>[3.105]</sup>.

- 9.174 This Modification also includes amendments to the CPO Schedule to reflect new information from the Land Registry search relating to the details of plots in the ownership of B R Dryden and R W Dryden and R C Upchurch<sup>[3.105]</sup>.
- 9.175 CPO No 2 Sheet 1 Modification No 1 is necessary because of the changes to BOAT No 9 and the access to land owned by the Trustees of M J Shanley Ltd, as detailed in SRO No 2 Modification No 1. A number of new plots and amendments to already identified plots need to be included in this Modification. In addition, the CPO Schedule has been amended to reflect new information from the Land Registry search relating to the ownership details of plots affected by SRO No 2 Modification No 1<sup>[3.106]</sup>.
- 9.176 CPO No 2 Sheet 2 Modification No 2 is necessary because of the changed access arrangements to land owned by Mr I Fazal and Network Rail, as detailed in SRO No 2 Modification No 2. Some plots need to be amended and a new plot needs to be created. This Modification also requires new plots owned by Network Rail, Mr I Fazal and The Secretary of State for Transport, identified following the check of details of ownership held by the Land Registry. In addition, 6 further new plots in unknown ownership are needed. Further amendments, renumbering and rearrangements of plots owned by Mr I Fazal, Friends Life Co Ltd, Three Valleys Water, Network Rail, D M W Hazel and The Secretary of State for Transport are also necessary<sup>[3.107-3.108]</sup>.
- 9.177 Finally as part of this Modification, the CPO Schedule has been amended to reflect new information from the Land Registry search relating to plots in the ownership of Friends Life Co Ltd, C W Little, P F Little, G H Court and Ms S A Glover<sup>[3.109]</sup>.
- 9.178 CPO No 2 Sheet 3 Modification No 3 requires the CPO Schedule to be amended to reflect new information from the Land Registry search relating to plots in the ownership of Friends Life Co Ltd<sup>[3.110]</sup>.
- 9.179 The CPO modifications do not require additional land outside that required for the Published Scheme. I consider that these modifications could be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980 and paragraphs 4 and 5 of Schedule 1 to the Acquisition of Land Act 1981.
- 9.180 I consider that the purposes for which the CPOs are promoted justify interfering with the human rights of those with an interest in the land affected, having regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. At paragraph 9.154 I indicate that I agree with the Highways Agency that appropriate measures have been taken in the design of the scheme to mitigate adverse effects and any residual interference with human rights is proportionate and necessary to achieve the scheme.
- 9.181 In my assessment, the Highways Agency has a clear idea of how the land to be acquired would be used and a reasonable expectation that the necessary resources would be available to carry out its plans within a reasonable timescale. The Highways Agency has confirmed that all statutory procedures have been followed correctly and I consider that there would be no impediment to prevent it proceeding to carry out its plans<sup>[1.15]</sup>.
- 9.182 I conclude that the Compulsory Purchase Order No 1 should be made with CPO Modifications Nos 1 and 2; and that Compulsory Purchase Order No 2 should be made with CPO Modifications Nos 1, 2 and 3.

## Conclusions on the Exchange Land Certificate

9.183 Having already concluded that the Published Scheme is acceptable and that the CPOs should be modified and made, it follows that I find no objection to the access arrangements proposed for attenuation pond No 6, which require development to take place on a specified area of Public Open Space. I conclude in paragraph 9.153 that development could take place on this land without the need to provide exchange land. A Public Notice of Intention to issue a Certificate to this effect has been prepared in accordance with Section 19(1)(b) of the Acquisition of Land Act 1981, and I conclude in paragraph 9.153 that it should be issued as drafted.

## 10 RECOMMENDATIONS

- 10.1 I recommend that the A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Order 20.. should be made as published in draft.
- 10.2 I recommend that the M1 Motorway (A5-M1 Link Dunstable Northern Bypass Connecting Roads) Scheme 20.. should be made as published in draft.
- 10.3 I recommend that the A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) (Detrunking) Order 20.. should be made as published in draft.
- 10.4 I recommend that the A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order No 1 20.. should be modified as indicated in paragraph 9.170 above, and that the Order so modified should be made.
- 10.5 I recommend that the A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order No 2 20.. should be modified as indicated in paragraph 9.170 above, and that the Order so modified should be made.
- 10.6 I recommend that the A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 1 (HA No.....) 20.. should be modified as indicated in paragraph 9.182 above, and that the Order so modified should be made.
- 10.7 I recommend that the A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 2 (HA No.....) 20.. should be modified as indicated in paragraph 9.182 above, and that the Order so modified should be made.
- 10.8 I recommend that the Certificate under Section 19(1)(b) of the Acquisition of Land Act 1981 be issued as drafted.

*David Wildsmith*

INSPECTOR

## APPENDIX 1 - APPEARANCES

### FOR THE HIGHWAYS AGENCY:

Christopher Lewsley He called:	of Counsel, instructed by The Treasury Solicitor
Karen Green	Project Manager, Highways Agency Major Projects, Midlands and South West Division
Ronan Francis Finch BA BAI MPhil(Eng) MICE CEng	Associate, Major Roads Division, URS Scott Wilson
Andrew Michael Goodwin BEng(Hons) CEng MICE MCIHT	Project Manager, Costain-Carillion Joint Venture
David Elliott BSc CMILT MCIHT	Associate Transportation Planner, URS Scott Wilson.
Andrew Harris BA(Hons) MPhil AIFA	Associate, URS Scott Wilson
Alfred Maneylaws BSc(Hons) MSc MIOA	Principal Noise and Vibration Consultant, URS Scott Wilson
Garry Ian Gray PhD MIAQM CChem MRSC	Air Quality Specialist, URS Scott Wilson
Thomas P Jonson BSc MALD MLI	Associate Landscape Architect, USR Scott Wilson
Stephanie Peay BSc MSc MIEEM CEnv	Associate Ecologist, URS Scott Wilson
Sheena McCallum BA Hons DipTP MRTPI	Associate, URS Scott Wilson
Alastair Field BA(Hons) MSc AIEMA MBIAC	Director and Company Secretary, Reading Agricultural Consultants Ltd (RAC)
Stephen John McQuade BSc (Hons) CEnv MIEMA CGeol FGS	Technical Director, Environment, URS Infrastructure and Environment Limited
Gordon Weir Davidson BSc(Hons) MICE MCIHT CEng	Principal Engineer, Major Roads URS Infrastructure & Environment UK Limited

### SUPPORTERS OF THE ORDERS:

Andrew Selous MP	Member of Parliament for South West Bedfordshire
Anthony G Hemming	Local Resident
Cllr Nigel Young	Deputy Executive Member for Sustainable Communities, Strategic Planning and Economic Development, Central Bedfordshire Council

### THOSE MAKING REPRESENTATIONS TO THE ORDERS:

John M Rowe	Area Secretary, Chiltern Society, Rights of Way Group
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## **OBJECTORS TO THE ORDERS:**

Julian D S Lyon	Manager, European Real Estate, General Motors UK Ltd
John Campbell	Local Resident
Russell Currell	Chairman, Chalton Parish Council
Mark Sullivan	Member of the public
MRTPI CMILT	
Thurstan H Adburgham	Area Representative, South Beds & Luton, Campaign to Protect Rural England (CPRE), Bedfordshire Branch

## **COUNTER OBJECTOR:**

Cllr David Jones	On behalf of Houghton Regis Town Council
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## **APPENDIX 2 – INQUIRY DOCUMENTS**

### **Highways Agency - Deposited Documents**

DD1	A5-M1 Link (Dunstable Northern Bypass), Environmental Statement (Volume 1, Volume 2 & Volume 3), December 2009
DD2	DMRB Volume 6 Section 1 Part 1: TD9/93 Highway Link Design*
DD3	DMRB Volume 6 Section 1 Part 2: TD27/05 Cross Sections and Headrooms*
DD4	DMRB Volume 6 Section 2 Part 1: TD22/06 Layout of Grade Separated Junctions*
DD5	DMRB Volume 6 Section 2 Part 3: TD16/07 Geometric Design Of Roundabouts*
DD6	Local Model Validation Report D123845/4/03
DD7	A5-M1 Link (Dunstable Northern Bypass) Preferred Route Announcement
DD8	The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order. 20 No.1
DD9	The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order. 20 No.2
DD10	The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Order 20
DD11	The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) (Detrunking) Order 20
DD12	The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order. 20 No.1
DD13	The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order. 20 No.2
DD14	The M1 Motorway (A5-M1 Link Dunstable Northern Bypass Connecting Roads) Scheme 20
DD15	Intention to Issue A Certificate Under Section 19(1) (b) Of The Acquisition Of Land Act 1981
DD16	Highways Act 1980
DD17	Highways (Inquiries Procedures) Rules 1994, SI1994/No3263
DD18	The Compulsory Purchase (Inquiries Procedure) Rules 2007, SI2007/No3617

- DD19 Government White Paper 'The Future of Transport – A network for 2030', July 2004
- DD20 Government white paper 'A New Deal for Transport: Better for Everyone', July 1998
- DD21 Highways Agency document 'A New Deal for Trunk Roads in England', 1998
- DD22 Government White Paper 'Transport Ten Year Plan 2000' July 2000
- DD23 Nichols Report 'Review of Highways Agency's Major Roads Programme' March 2007
- DD24 A5-M1 Link (Dunstable Northern Bypass) Non-Technical Summary of the Environmental Statement, December 2009.
- DD25 A5-M1 Link (Dunstable Northern Bypass) Public Consultation leaflet
- DD26 Notice of Intention to Hold a Public Inquiry, 17th March 2010
- DD27 Notice of Intention to Hold a Pre-Inquiry Meeting, 7th April 2010
- DD28 Notice of Pre-Inquiry Meeting, 13th April 2010
- DD29 Notice of Public Inquiry, 28th April 2010
- DD30 DMRB Volume 2 Section 2 Part 8: TD19/06 Requirement for Road Restraint Systems \*
- DD31 A5-M1 Link (Dunstable Northern Bypass) Stage 1 Road Safety Audit
- DD32 DMRB Volume 5 Section 2 Part 2: HD 19/03 Road Safety Audit \*
- DD33 Brown, N, and Glazebrook, J, (eds), 2000, Research and Archaeology: A Framework for the Eastern Counties 2; Research Agenda and Strategy, East Anglian Archaeology Occasional Paper 8
- DD34 Department for Communities and Local Government. 2010. Planning Policy Statement 5: Planning for the Historic Environment. TSO
- DD35 English Heritage, 2004, Change and Creation: historic landscape character 1950-2000
- DD36 English Heritage, 2006, Understanding Historic Buildings: A guide to good recording practice
- DD37 Highways Agency 2001, The Design Manual for Roads and Bridges, Volume 10, Section 6 Archaeology, Part 1-Trunk Roads and Archaeological mitigation (HA 75/01) \*
- DD38A Highways Agency, 2006, M1 Widening Junction 10 to 13, Cultural Heritage Stage 3 Baseline Report (D110842/05/04c)
- DD38B Highways Agency, 2006, M1 Widening Junction 10 to 13, Cultural Heritage Stage 3 Baseline Report (D110842/05/04c) (A3 Appendices)
- DD39 Highways Agency, (2006c), A5-M1 Link Road Cultural Heritage Walkover survey. (D110843/ 5/02)
- DD40 Highways Agency, 2007, Assessing the Effect of Road Schemes on Historic Landscape Character (HA49/06).
- DD41 Highways Agency, (2007c), A5-M1 Link Road, Archaeological Monitoring of Preliminary Geotechnical Test Pits. (D110843/05/30)
- DD42 Highways Agency, (2007d), The Design Manual for Roads and Bridges, Volume 11, Section 3, Part 2 – Cultural Heritage (HA 208/07) \*
- DD43 Highways Agency (2009a), A5-M1 Link (Dunstable Northern Bypass) Cultural Heritage Baseline Report. (Report D110843/05/10)
- DD44 Highways Agency (2009b). A5-M1 Link (Dunstable Northern Bypass) Environmental Statement Volume 2 Chapter 7; Cultural Heritage (Report D110843/05/28)
- DD45 Northamptonshire Archaeology, Northamptonshire County Council, A5-M1 Link Dunstable Northern Bypass Interim Summary of Magnetometer Survey Results

- DD46 Northamptonshire Archaeology, Northamptonshire County Council Report 08/23 Geophysical Survey for A5-M1 Dunstable Northern Bypass Bedfordshire.
- DD47 Oake, M, Luke, M, Dawson, M, Edgeworth, M, and Murphy, P, 2007, Bedfordshire Archaeology: Resource Assessment, Research Agenda and Strategy, Bedfordshire Archaeology Monograph 9
- DD48 Oxford Archaeology, (2002), DMRB Stage 1 Assessment of Cultural Heritage Effects,
- DD49 Oxford Archaeology, (2003), M1-A5 Link Road, DMRB Environmental Assessment Volume 11 Stage 2 Report Archaeology and Cultural Heritage.
- DD50 English Heritage. 1995. Schedule Entry. Thorn Spring Moated Site. National Monument No. 27110.
- DD51 DMRB Volume 11, Section 3, Part 7 Noise and Vibration (2008) \*
- DD52 Calculation of Road Traffic Noise (Department of Transport and the Welsh Office, 1988)
- DD53 The Noise Insulation Regulations 1975 (Statutory Instrument 1975 / 1763)
- DD54 The Noise Insulation (Amendment) Regulations 1988 (Statutory Instrument 1988 / 2000)
- DD55 Transport Analysis Guidance. Unit 3.3.2 The Noise Sub Objective (Department for Transport, 2006)
- DD56 Guidelines For Community Noise (WHO, 1999)
- DD57 BS 5228-1: 2009 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise (BSI, 2009)
- DD58 BS 5228-2: 2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration (BSI, 2009)
- DD59 Planning Policy Guidance PPG24: Planning and Noise (1994)
- DD60 DMRB Volume 11, section 3, part 5 Landscape Effects
- DD61 The Landscape Institute and the Institute of Environmental Management and Assessment (2002). Guidelines for Landscape and Visual Assessment for Environmental Assessment (LI & IEMA) 2nd Edition;
- DD62 The Countryside Agency (2002). Landscape Character Assessment - Guidance for England and Scotland;
- DD63 The Department of Transport (2003). Transport Analysis Guidance (TAG) Unit 3.3.7 (WebTAG);
- DD64 DMRB Volume 11 Section 2. Part 1 General Principles and Guidance of Environmental Impact Assessment
- DD65 Guidance notes for the Reduction of Obtrusive Light (ILE 2005);
- DD66 Lighting in the Countryside; Towards Good Practice (DoE 1997).
- DD67 Planning Policy Guidance No.2: Green Belts (Communities and Local Government, January 1995) (PPG2)
- DD68 Planning Policy Statement No.7 : Sustainable Development in Rural Areas (Communities and Local Government, August 2004) (PPS7)
- DD69 Not Used
- DD70 Character Area 110 Chilterns, Natural England
- DD71 South Bedfordshire District Landscape Character Assessment, Land Use Consultants April 2009
- DD72 DMRB Volume 11: Environmental Assessment, Section 3, Part 12 Impact of Road Schemes on Policies and Plans
- DD73 Government Office East of England: East of England Plan: the Revision to the Regional Spatial Strategy for the East of England (May 2008)



- DD74 Government Office East of England: Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)
- DD75 Bedfordshire County Council, Bedfordshire Structure Plan 2011 (March 1997)
- DD76 Bedfordshire County Council, Bedfordshire Structure Plan 2011 (saved policies schedule)
- DD77 Central Bedfordshire Council, Bedfordshire and Luton Minerals and Waste Local Plan 2000 – 2015
- DD78 Luton Borough Council: The Luton, Dunstable and Houghton Regis Local Transport Plan 2 2006 – 2011
- DD79 Department for Environment, Food and Rural Affairs: “Securing the Future: Delivering the UK Sustainable Development Strategy” (2005)
- DD80 Department for Communities and Local Government: Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development (2005)
- DD81 Department for Communities and Local Government: Planning Policy Guidance 13 (PPG13) – Transport (2001)
- DD82 Department for Communities and Local Government: Planning Policy Statement 9 (PPS9) - Biodiversity and Geological Conservation (2005)
- DD83 Department for Communities and Local Government: Planning Policy Statement 10 (PPS10) – Planning for Sustainable Waste Management (2005)
- DD84 Department for Communities and Local Government: Planning Policy Guidance 14 (PPG14) - Development on Unstable Land (1990)
- DD85 Department for Communities and Local Government: Planning Policy Statement 23 (PPS23) - Planning and Pollution Control (2004)
- DD86 Department for Communities and Local Government: Planning Policy Statement 25 (PPS25) - Development and Flood Risk (2010)
- DD87 Department for Communities and Local Government: Planning Policy Guidance 17 (PPG17) - Planning for Open Space, Sport and Recreation (2002)
- DD88 Office of Public Sector Information: Planning and Compulsory Purchase Act 2004
- DD89 Institute of Ecology and Environmental Management (2006) Guidelines for Ecological Impact Assessment in the United Kingdom (7 July 2006).
- DD90 Department for Transport (2004) Transport Analysis Guidance (TAG) The Biodiversity Sub-Objective TAG Unit 3.3.10 December 2004
- DD91 Plantlife (2007) New Priorities for Arable Plant Conservation
- DD92 Department for Environment, Food and Rural Affairs: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)
- DD93 Good Practice Guide for Handling Soils
- DD94 Agricultural Land classification of England and Wales, October 1988
- DD95 The Department of Transport (2009). Transport Analysis Guidance (TAG) Unit 3.15.5 (WebTAG)
- DD96 The Department of Transport (2009). Transport Analysis Guidance (TAG) Unit 3.5.6 (WebTAG)
- DD97A M1 Widening Junctions 10 to 13 Traffic Survey Report (D110842/4/08)
- DD97B M1 Widening Junctions 10 to 13 Traffic Survey Report Appendices (D110842/4/08)
- DD98 Assessment of the Development Implications of the A5-M1 Link Dunstable Northern Bypass (2005) GVA Grimley
- DD99 A5 – M1 Link (Dunstable Northern Bypass), Construction Environmental Management Plan (CEMP)

DD99A	A5 – M1 Link (Dunstable Northern Bypass), Construction Environmental Management Plan (CEMP) November 2011
DD100A	Traffic Signs Manual – Chapter 8 – Traffic Safety Measures and Signs for Road Works and Temporary Situations (Part 1)
DD100B	Traffic Signs Manual – Chapter 8 – Traffic Safety Measures and Signs for Road Works and Temporary Situations (Part 2)
DD101A	DMRB Volume 11: Environmental Assessment 2007* Section 1, Section 2 parts 1-7, Section 3 parts 2-12
DD101B	DMRB Volume 11: Environmental Assessment 2007* Section 3 Part 1
DD101C	DMRB Volume 11: Environmental Assessment 2007* Section 4 Part 1
DD102	DMRB Volume 12* Section 2 Part 1 "Traffic Appraisal in Urban Areas"
DD103	London to South Midlands Multi-Modal Study (LSMMMS)
DD104	A5 – M1 Link (Dunstable Northern Bypass), Collision Study Report (Report No: D110843/04/07)
DD104A	A5 – M1 Link (Dunstable Northern Bypass), Collision Study Report (Report No: D110843/04/07) Revised
DD105	Not Used
DD106	A5 – M1 Link (Dunstable Northern Bypass), Traffic Forecasting Report (Report No: D110843/04/12)
DD107	A5 – M1 Link (Dunstable Northern Bypass), Economic Assessment Report (Report No: D110843/04/13)
DD108	A5 – M1 Link (Dunstable Northern Bypass), Public Consultation Report (Report No GR048)
DD109	A5 – M1 Link (Dunstable Northern Bypass), Public Information Exhibition Report (Report No: D110843/06/25)
DD110	A5 – M1 Link (Dunstable Northern Bypass), Junction Options Report (Report No: D110843/06/24)
DD111	A5 – M1 Link (Dunstable Northern Bypass), Flood Risk Assessment Report (Report No: D110843/06/21)
DD112	SW, 2006a. A5/M1 Link Road Thorn Farm Burial Ground Historical Research, Scott Wilson, Report
DD113	DoE/DNH, 1994. 'Planning Policy Guidance 15 (PPG15) Planning and the Historic Environment
DD114	DoE 1990. 'Planning Policy Guidance 16 (PPG16) Archaeology & Planning
DD115	English Nature. 2002/3. Ancient woodland: guidance material for local authorities
DD116	Highways (Assessment of Environmental Effects) Regulations 1999
DD117	Highways Agency. 2010c. A5-M1 Link (Dunstable Northern Bypass) Archaeological Monitoring of Geotechnical Trial Pits. (Report No: D110843/05/43)
DD118	NA, 2008b. A5-M1 Link Road, Dunstable Northern Bypass Bedfordshire Trial Trench Evaluation. Northamptonshire Archaeology, Northamptonshire County Council Report 08/172
DD119	DMRB TD39/94: The Design of Major Interchanges*
DD120	DMRB Interim Advice Note 111/09: Managed Motorway Implementation Guidance Hard Shoulder Running*
DD121	DMRB Interim Advice Note 112/08: Managed Motorway Implementation Guidance Through Junction Running*
DD122	DMRB TD51/03: Segregated Left Turn Lanes and Subsidiary Deflection Islands at Roundabouts*
DD123	DMRB TA 23/81: Determination of Size of Roundabouts and Major/Minor Junctions*

- DD124 DMRB Advice Note TA 46: Traffic Flow Ranges for use in the Assessment of New Rural Road Standards\*
- DD125 DMRB Volume 8 Section 3 TD34/07 Design of Road Lighting for the Strategic Motorway and All Purpose Trunk Road Network\*
- DD126 Agricultural Impact Survey Report, D110843/05/31 (March 2010)
- DD127 Agricultural Soils Survey Report, D110843/05/32 (March 2010)
- DD128 DMRB Volume 11, Section 3, Part 6 – Land Use\*
- DD129 South Bedfordshire Local Plan Review 2004
- DD130A DMRB Volume 13\*, Section 1, Part 2 The Valuation of Costs and Benefits
- DD130B DMRB Volume 13\*, Section 1, Part 4 Traffic Input to COBA
- DD131 DMRB Volume 11, Section 3, Part 4\* Ecology and Nature Conservation
- DD132 Bedford and Traffic & Pedestrian Survey, Survey Report 2005
- DD133 M1 Junctions 10 to 13 HSR Improvement, Traffic Forecasting Report Stage 5 (D123845/4/04)
- DD134 Luton and Central Bedfordshire Joint Technical Unit: Luton and South Bedfordshire Core Strategy Preferred Options
- DD135 A5 – M1 Link (Dunstable Northern Bypass), Ambient Noise Monitoring Report D110843/12/06
- DD136 The Construction (Design and Management) Regulations 2007
- DD137 Thorn Spring Scheduled Monument - Landscape and Visual Impact Appraisal
- DD138 Structures Options Report September 2009 - Report D110843/07/01
- DD139 Traffic Management Plan
- DD140 Widening Junctions 10 to 13 Environmental Statement - Volume 2, Chapter 7 Cultural Heritage (Report No. D110842/5/09)
- DD141 Communications Plan
- DD142 The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 1 Public Notice
- DD143 The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 2 Public Notice
- DD144 The A5 Trunk Road (A5 – M1 Link Dunstable Northern Bypass): Order 20 Public Notice, (Detrunking) Order 20 Public Notice, Side Roads Order No.1. 20 Public Notice and Side Roads Order No.2. 20 Public Notice
- DD145 The M1 Motorway (A5 – M1 Link Dunstable Northern Bypass Connecting Roads) Scheme 20 Public Notice
- DD146 ECI Contract
- DD147 DfT Discussion Paper, Managing Our Roads, July 2003
- DD148 Acquisition of Land Act 1981.
- DD149 ODPM Circular 06/2004 – Compulsory Purchase and the Chrichel Down Rules
- DD150 DMRB Volume 9 Section 1 Part 1 TD46/05 Motorway Signalling
- DD151 DMRB Interim Advice Note 149/11: Existing Motorway Minimum Requirements
- DD152 DMRB Volume 11 Environmental Assessment Section 3 Environmental Assessment Techniques Part 10 HD 45/09 Road Drainage and the Environment
- DD153 Government Office for East of England – Letter regarding the postponement of the Public Inquiry planned for 28 June 2010
- DD154 DCLG letter advising of the withdrawal of the Central Bedfordshire and Luton Borough Councils Joint Core Strategy on 7th Sept 2011

- DD155 Agreement by Deed under Section 274 of the Highways Act 1980 relating to Highways Work known as A5-M1 Link, between the Secretary of State for Transport and Central Bedfordshire Council
- DD156 Agreement under Section 278 of the Highways Act 1980 for the execution of highway works for the A5-M1 Link and associated transfer of land to the Secretary of State, between the Secretary of State for Transport, Landmatch Ltd, Friends Life Company Ltd and Lands Improvement Holdings Ltd
- DD157 Technical Note D110843/TN/05/01 V2 June 2011 HAWRAT Assessment re Impact Assessment of Highway Runoff to the Water Environment
- DD158 Night Noise Guidelines for Europe (WHO, 2009)
- DD159 Investment in Highways Transport Schemes – October 2010
- DD160 English Heritage (2010). The Setting of Heritage Assets: English Heritage Guidance, Consultation Draft.
- DD161 PPS5 Historic Environment Planning Practice Guide (March 2010).
- DD162 Landscape and Visual Impact Review Note, Document Reference D110843/TN/05/13 V2, November 2011
- DD163 Policies and Plans Review Note, Document Reference, D110843/TN/05/14 V2, November 2011
- DD164 Vehicle Travellers Review Note, Document Reference, D110843/TN/05/11 V2, November 2011
- DD165 Not Used
- DD166 Cultural Heritage Review Note, Document Reference, D110843/TN/05/05 V2, November 2011
- DD167 Land Use Review Note, Document Reference, D110843/TN/5/04 V2, November 2011
- DD168 Noise and Vibration Technical Note, Document Reference, D110843/TN/5/08 V2, November 2011
- DD169 Non Motorised User Review Note, Document Reference, D110843/TN/5/10 V2, November 2011
- DD170 Disruption Due to Construction Review Note, Document Reference, D110843/TN/5/12 V1, November 2011
- DD171 Ecology Review Note, Document Reference D110843/TN/05/02 V2, November 2011
- DD172 Chalton petition via Nadine Dorries MP, rejecting Published Scheme on the grounds that it does not provide sufficient local road links to the proposed M1 J11A
- DD173 A5-M1 Link (Dunstable Northern Bypass) Technical Note D110843/4/17 – Review of Traffic Forecasting V2, November 2011
- DD174 A5-M1 Link (Dunstable Northern Bypass) Technical Note D110843/4/18 – Review of Economic Assessment V2, November 2011
- DD175 Luton and southern Central Bedfordshire Core Strategy Pre-Submission, November 2010
- DD176 Highways Agency (2010) DMRB Interim Advice Note 130/10. Ecology and Nature Conservation: Criteria for Impact Assessment
- DD177 Luton Borough Council: Luton Local Transport Plan 3 2011-2026 (March 2011)
- DD178 Inspector David Vickery: Examination into the Luton and southern Central Bedfordshire Joint Core Strategy, Summary of the Inspector's Concerns for Exploratory Meeting on 18th May 2011 (April 2011)
- DD179 Central Bedfordshire Council: South Bedfordshire Local Plan Review 2004 Saved Policies Schedule

- DD180 A5-M1 (Dunstable Northern Bypass), Technical Badger Report, Report No. D110843/05/44 v3, September 2011. (CONTAINS CONFIDENTIAL INFORMATION - NOT FOR GENERAL CIRCULATION)
- DD181 A5-M1 (Dunstable Northern Bypass), Great Crested Newt Survey Report (Addendum), Report No. D110843/05/41 v5, October 2011
- DD182 A5-M1 (Dunstable Northern Bypass), Scarce Arable Flora Updated Survey Report, Report No. D110843/05/18 v6, October 2011
- DD183 A5-M1 (Dunstable Northern Bypass), Aquatic Invertebrate Updated Baseline Survey Report (Addendum), Report No. D110843/05/40 v4, October 2011
- DD184 Simco, A (1984). Survey of Bedfordshire: The Roman Period (Bedfordshire County Council and RCHME), 63-69 and 78-79 (extracts)
- DD185 Department for Transport (DfT): Business Plan 2011-2015, May 2011
- DD186 Soil and Geology Review Note, Document Reference D110843/TN/05/07, V2 November 2010
- DD187 Spending Review 2010, HM Treasury (October 2010)
- DD188 Central Bedfordshire Council: Dunstable Town Centre Masterplan (2011)
- DD189 Central Bedfordshire Council Executive Committee: Meeting Minutes (23rd August 2011)
- DD190 Bedfordshire County Council: Bedfordshire Local Transport Plan 2006/07 – 2010/11 (March 2006)
- DD191 Cllr Ken Matthews Executive Member for Sustainable Communities - Strategic Planning and Economic Development: Luton and Southern Central Bedfordshire Core Strategy – Guidance for Development Management (23rd August 2010)
- DD192 Central Bedfordshire Council: Luton and Southern Central Bedfordshire Joint Core Strategy Submission Documents List (8th March 2011)
- DD193 Luton and South Bedfordshire Joint Committee: Meeting Agenda (29th July 2011)
- DD194 D110843/TN/6/08 - Capacity Assessment of Roundabouts using Design Reference Flows (November 2011)
- DD195 Draft National Planning Policy Framework, Department for Communities and Local Government (July 2011)
- DD196 Air Quality Assessment Technical Note, Document Reference D110843/TN/5/17 V1, November 2011
- DD197 No 10 e-petition in support of the A5-M1 Link

### **Highways Agency - Statement of Case and Proofs of Evidence**

- HA/101/1 Summary of Statement of Case and Overview – Karen Green
- HA/101/2 Statement of Case and Overview– Karen Green
- HA/101/3 Statement of Case and Overview A3 Appendices– Karen Green
- HA/101/4 Corrections and Updates – Karen Green
- HA/102/1 Summary of Engineering Proof of Evidence– Ronan Finch
- HA/102/2 Engineering Proof of Evidence - Ronan Finch
- HA/102/3 Engineering A4 Appendices - Ronan Finch
- HA/102/4 Engineering A3 Appendices - Ronan Finch
- HA/102/5 Corrections and Updates – Ronan Finch
- HA/103/1 Summary of Landscape Proof of Evidence – Thomas Jonson
- HA/103/2 Landscape Proof of Evidence – Thomas Jonson
- HA/103/3 Landscape A4 Appendices – Thomas Jonson

HA/103/4	Landscape A3 Appendices – Thomas Jonson
HA/103/5	Corrections and Updates – Thomas Jonson
HA/104/1	Summary of Construction Proof of Evidence – Andrew Goodwin
HA/104/2	Construction Proof of Evidence – Andrew Goodwin
HA/104/3	Construction A4 Appendices – Andrew Goodwin
HA/104/4	Construction A3 Appendices – Andrew Goodwin
HA/104/5	Corrections and Updates – Andrew Goodwin
HA/105/1	Summary of Traffic Proof of Evidence – David Elliott
HA/105/2	Traffic Proof of Evidence – David Elliott
HA/105/3	Traffic A4 Appendices – David Elliott
HA/105/4	Corrections and Updates – David Elliott
HA/105/5	Corrections to Traffic Figures – David Elliott
HA/106/1	Summary of Noise and Vibration Proof of Evidence – Alfred Maneylaws
HA/106/2	Noise and Vibration Proof of Evidence – Alfred Maneylaws
HA/106/3	Noise and Vibration A4 Appendices – Alfred Maneylaws
HA/106/4	Noise and Vibration A3 Appendices – Alfred Maneylaws
HA/106/5	Corrections and Updates – Alfred Maneylaws
HA/107/1	Summary of Air Quality Proof of Evidence – Garry Gray
HA/107/2	Air Quality Proof of Evidence – Garry Gray
HA/107/3	Air Quality A4 Appendices – Garry Gray
HA/107/4	Air Quality A3 Appendices – Garry Gray
HA/108/1	Summary of Ecology Proof of Evidence – Stephanie Peay
HA/108/2	Ecology Proof of Evidence – Stephanie Peay
HA/108/3	Ecology A4 Appendices – Stephanie Peay
HA/108/4	Ecology A3 Appendices – Stephanie Peay
HA/108/5	Corrections and Updates – Stephanie Peay
HA/109/1	Summary of Cultural Heritage Proof of Evidence – Andrew Harris
HA/109/2	Cultural Heritage Proof of Evidence – Andrew Harris
HA/109/3	Cultural Heritage A4 Appendices – Andrew Harris
HA/109/4	Cultural Heritage A3 Appendices – Andrew Harris
HA/109/5	Corrections and Updates – Andrew Harris
HA/110/1	Summary of Agriculture and Soils Proof of Evidence - Alastair Field
HA/110/2	Agriculture and Soils Proof of Evidence - Alastair Field
HA/110/3	Agriculture and Soils A4 Appendices - Alastair Field
HA/110/4	Agriculture and Soils A3 Appendices - Alastair Field
HA/111/1	Summary of Policies and Plans Proof of Evidence – Sheena McCallum
HA/111/2	Policies and Plans Proof of Evidence – Sheena McCallum
HA/111/3	Corrections and Updates – Sheena McCallum

### **Rebuttal Documents submitted by the Highways Agency**

HA/RB/OBJ8/1	Rebuttal Evidence - St Albans Diocesan Board of Finance and Old Road Securities
HA/RB/OBJ30/1	Rebuttal Evidence – Mr Sullivan
HA/RB/OBJ31/1	Rebuttal Evidence - CPRE
HA/RB/OBJ43/1	Rebuttal Evidence - Herts CC
HA/RB/REP11/1	Rebuttal Evidence – The Chiltern Society
HA/RB/OBJ39/1	Rebuttal Evidence – General Motors UK Ltd
HA/RB/OBJ23/1	Rebuttal Evidence – Trustees of M J Shanley Ltd
HA/RB/OBJ45/1	Rebuttal Evidence – Miss B Butters

## Responses to Unwithdrawn Objections submitted by the Highways Agency

HA/R/OBJ30/1	Response to letter of Objection from Mr Sullivan
HA/R/OBJ43/1	Response to letter of Objection from Herts CC
HA/R/REP11/1	Response to letter from The Chiltern Society
HA/R/OBJ8/1	Response to letter of Objection from Old Road Securities
HA/R/OBJ31/1	Response to letter of Objection from CPRE
HA/R/OBJ14/1	Response to letter of Objection from Mr J Campbell
HA/R/OBJ39/1	Response to letter of Objection from General Motors UK Ltd
HA/R/OBJ19/1	Response to letter of Objection from Mr R Currell
HA/R/OBJ41/1	Response to letter of Objection from CPRE
HA/R/OBJ03/1	Response to letter of Objection from Mr Dix
HA/R/OBJ01/1	Response to letter of Objection from Mr P Valks
HA/R/REP17/1	Response to letter from Mrs Bissmire (Markyate PC)
HA/R/REP16/1	Response to letter from Mr H Fletcher
HA/R/REP13/1	Response to letter from Mr Gravestock (Edlesborough PC)
HA/R/OBJ23/1	Response to letter of Objection from Trustees of M J Shanley
HA/R/OBJ45/1	Response to letter of Objection – Miss B Butters
HA/R/OBJ47/1	Response to letter of Objection – Mr Brialey
HA/R/OBJ46/1	Response to letter of Objection – Mr Salkeld
HA/R/OBJ27/1	Response to letter of Objection – Mr and Mrs Hull
HA/R/OBJ49/1	Response to letter of Objection – Mr M Penn
HA/R/OBJ16/1	Response to letter of Objection – Mr K Cutler
HA/R/OBJ05/1	Response to letter of Objection – Mr P Cole
HA/R/OBJ07/1	Response to letter of Objection – Ms E Morris
HA/R/OBJ06/1	Response to letter of Objection – Ms A Williams
HA/R/OBJ33, 34 35/1	Response to letter of Objection – The Grygiel Family
HA/R/OBJ20/1	Response to letter of Objection – Mr D Bough
HA/R/REP01/1	Response to letter from Chalgrave Parish Council
HA/R/OBJ48/1	Response to letter of Objection – Mrs D Charman
HA/R/OBJ21/1	Response to letter of Objection – Mr Pearce
HA/R/OBJ17/1	Response to letter of Objection – Sustrans
HA/R/OBJ18/1	Response to letter of Objection – Mrs S Kitchen
HA/R/OBJ32/1	Response to letter of Objection – Chalton Parish Council
HA/R/OBJ09/1	Response to letter of Objection – Mr T Coles
HA/R/OBJ42/1	Response to letter of Objection – Mr E P Buckingham
HA/R/OBJ22/1	Response to letter of Objection – Mr and Mrs Dryden
HA/R/OBJ04/1	Response to letter of Objection – Mr M G Ford
HA/R/OBJ13/1	Response to letter of Objection – Mr D Y Buckingham
HA/R/OBJ47/1	Response to letter of Objection – Mr Brialey

## Other documents submitted by the Highways Agency

HA/0/1	Report on Alternative Route No 1
HA/0/2	Report on Alternative Route No 2
HA/0/3	Report on Alternative Route No 3
HA/0/4	Report on Alternative Route No 4
HA/0/5	Report on Alternative Route No 5
HA/0/6	Report on Alternative Route No 6
HA/0/7	Report on Alternative Route No 7

HA/0/8	Report on Alternative Route No 8
HA/0/9	Report on Alternative Route No 10
HA/0/10	Note on current situation with Objectors and Representations
HA/0/11	List of Qualifications of HA Witnesses
HA/0/12	Counsel for HA – Opening Submission
HA/0/13	Note on Correspondence with Mr Sullivan (Obj 30)
HA/0/14	Compliance with Statutory Procedures Folder
HA/0/15	Note to Inspector: Clarification & Updates on Alternative Routes
HA/0/15 A	Note to Inspector: Clarification and Updates on Alternative Routes Reports – Further Update
HA/0/16	Note on Clarification of Traffic Evidence Appendix H
HA/0/17	Response to Chiltern Society Letter dated 6 February 2012
HA/0/18	Personal Statement of Mr Gordon Davidson
HA/0/19	Personal Statement of Mr Stephen McQuade
HA/0/20	Clarification and Updates on Alternative Route No 2 and Development on Houghton Road
HA/0/21	Note on Land Required for the Scheme
HA/0/22	Clarification and Updates on Alternative Route No 6
HA/0/23	Status of Objections and Representations
HA/0/24	Clarification and Updates on HA/R/OBJ 39/1
HA/0/25	Clarification regarding HA/RB/REP 11/1
HA/0/26	Note on Published Scheme Compared to Alternative Route No 7
HA/0/27	Response to Further Statement by M A Sullivan dated 20 Feb 2012
HA/0/28	Proposed Itinerary for Site Visit Thursday 23 February 2012
HA/0/29	Corrections and Updates on HA/R/OBJ 47/1
HA/0/30	Location of Ancient Woodland in the Vicinity of Alternative Route No 2
HA/0/31	Revised Proposed Extent of Lighting in the Junction 11A Area
HA/0/32	SRO and CPO Post Draft Order Publication Revisions
HA/0/33	Clarification of Proposals in Regard to Woodside Connection
HA/0/34	Clarification of Interface between Footpaths FP23 and FP5
HA/0/35	Status of Objections and Representations “Final Update”
HA/0/36	Closing Submission on behalf of the Highways Agency

### **Documents submitted to the Inquiry by Supporters**

	<b>Mr Anthony Hemming</b>
AH/1/SUP3	Speaking Notes read by Mr Hemming at Inquiry
	<b>Mr Andrew Selous MP</b>
AS/1/SUP10	Speaking Notes used by Mr Selous at Inquiry and a copy of Hansard Adjournment Debate

### **Documents submitted to the Inquiry by those making Representations**

	<b>The Chiltern Society</b>
CS/1/REP11	Submission prepared by Mr John Rowe on behalf of The Chiltern Society
CS/2/REP11	Letter dated 6 February 2012 from Mr Rowe
CS/3/REP11	Letter dated 14 February 2012 from Mr Rowe
	<b>Councillor Nigel Young</b>
NY/1/REP14	Bundle of maps and diagrams



## Documents submitted to the Inquiry by Objectors

JC/1/OBJ14	<b>Mr John Campbell</b> Statement read by Mr Campbell
RC/1/OBJ19	<b>Mr Russell Currell</b> Statement read by Mr Currell on behalf of Chalton Parish Council
MAS/1/OBJ30	<b>Mr M A Sullivan</b> Statement submitted by Mr Sullivan dated February 2012
MAS/2/OBJ30	Letter dated 3 February 2012 from Mr Sullivan
MAS/3/OBJ30	Further statement submitted by Mr Sullivan dated February 2012
MAS/4/OBJ30	Further Statement by M A Sullivan – Response to the Highways Agency's Barrister's submission dated 22 February submitted by Mr Sullivan dated 29th February 2012
CPRE/1/OBJ31	<b>CPRE</b> Proof of Evidence of Mr Adburgham representing CPRE
GM/1/OBJ39	<b>General Motors UK Ltd</b> Statement read by Julian Lyon on behalf of General Motors UK Ltd

## General Inquiry Documents

INQ/1	Inspector's Comments, in response to Inquiry Document No HA/0/13 concerning correspondence between the Highways Agency and Mr Sullivan (OBJ 30)
INQ/2	Three lever arch folders containing letters of Objection received by the Highways Agency
INQ/3	One lever arch folder containing letters of Support and letters making Representations received by the Highways Agency
INQ/4	Lever arch folder containing letters of 'Counter Objection' or 'Support' received by the Highways Agency in respect of Alternative Routes AR1; AR2; AR3; AR4; AR5; AR6; AR7; AR8 and AR10
INQ/5	Notes of the Pre-Inquiry Meeting held at the Superdrug Stores plc Distribution Centre, Prologis Park, Dunstable on 13 December 2011

**APPENDIX 3 – DETAILS OF WITHDRAWN OBJECTIONS/REPRESENTATIONS,  
 AND UNUSED REFERENCE NUMBERS**

<b>OBJECTIONS</b>		
<b>Reference No</b>	<b>Name</b>	<b>Status</b>
2	Network Rail	Withdrawn
8	Mr J Priest	Withdrawn
10	EDF (now UKPN)	Withdrawn
11	Mr I Fazal	Withdrawn
12	Mr D Fensome	Withdrawn
15	Mr D Hazel	Withdrawn
24	Mr and Mrs Nillson	Withdrawn
25	Mr Claridge and Ms Harper	Withdrawn
26	Boskett and Davis	Withdrawn
28	Mr P Aldred	Withdrawn
29	AXA	Withdrawn
36	Mr R Chadwick	Withdrawn
37	Lands Improvement Holdings	Withdrawn
38	Mr R Barker	Withdrawn
40	Mr D Payne	Withdrawn
43	Hertfordshire County Council	Withdrawn
44	-	Not Used
50	National Grid	Withdrawn
51	Luton Borough Council	Withdrawn
<b>REPRESENTATIONS</b>		
<b>Reference No</b>	<b>Name</b>	<b>Status</b>
2	-	Not Used
3	-	Not Used
4	-	Not Used
5	Houghton Regis Town Council	Withdrawn
6	-	Not Used
7	-	Not Used
8	-	Not Used
9	English Heritage	Withdrawn
10	Environment Agency	Withdrawn
12	Natural England	Withdrawn
14	Central Bedfordshire Council	Withdrawn
15	-	Not Used

#### **APPENDIX 4 – PROCEDURAL MATTERS CONCERNING MR M A SULLIVAN'S OBJECTION (OBJ 30)**

1. Mr Sullivan did not attend the PIM or the opening of the Inquiry and during the first days of the Inquiry the Programme Officer had been unable to contact him. Mr Sullivan's requests for additional information and for significant, alternative proposals to be tested were received well into the Inquiry process and well outside the timescale set out by the Highways Agency for the submission of alternative rote proposals. In these circumstances, on the opening day of the Inquiry, the Highways Agency submitted Doc HA/0/13, setting out details of correspondence between Mr Sullivan and the Highways Agency and requesting the Inspector's view on whether or not Mr Sullivan's requests for modelling work to be undertaken on a number of his suggested alternatives should be complied with.
2. As a matter of urgency, in view of the potential impact on the Inquiry programme, the Inspector responded to this request on the second day of the Inquiry, with Doc INQ/1, setting out his views on the basis of the information currently available and seeking further information and clarification from Mr Sullivan. Docs HA/0/13 and INQ/1 were both sent to Mr Sullivan on 8 February, the second day of the Inquiry, but no response was received from Mr Sullivan.
3. Mr Sullivan did, however, attend and appear at the Inquiry in Week 3, on 21 February, at which time he still made no direct response to either Doc HA/0/13 or Doc INQ/1, even though he was specifically invited so to do. Instead, he submitted a further Statement, Doc MAS/3/OBJ30, in which he maintained that the rules of natural justice had not been followed; that there had been misrepresentations about what happened at the 2010 Public Inquiry into the Orders for M1 Junctions 11 and 12; and that the Highways Agency had falsely stated that Directions to submit alternatives under the powers of the Highways Act were issued.
4. This Statement was responded to in writing by the Highways Agency in Doc HA/0/27. This, in turn, was responded to by Mr Sullivan in Doc MAS/4/OBJ30. The Highways Agency's final response on this matter is contained within the relevant section of its closing submissions, to be found at paragraphs 8.44 to 8.55 of this Report.