



CPO Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 24 February 2012

HIGHWAYS ACT 1980

and

ACQUISITION OF LAND ACT 1981

LUTON BOROUGH COUNCIL

CONFIRMATION OF

**THE LUTON BOROUGH COUNCIL
(LUTON TOWN CENTRE TRANSPORTATION SCHEME)**

COMPULSORY PURCHASE ORDER 2009

Inquiry held on 25, 26 January & 01 February 2012
Inspections were carried out on 24 & 25 January 2012.

File Ref: DPI/B0230/11/23

File Ref: DPI/B0230/11/23**The Luton Borough Council (Luton Town Centre Transportation Scheme) Compulsory Purchase Order 2009**

- The Compulsory Purchase Order was made under sections 239, 240 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 by the Luton Borough Council on 20 July 2009.
- The purposes of the Order are:-
 - i. the improvement of existing highways, being the principal roads known as Crawley Green Road, Crescent Road, Church Street, Hitchin Road and Midland Road;
 - ii. the construction of a new principal highway from Old Bedford Road to Hitchin Road to be known as the Gateway Link;
 - iii. the construction of a link road from Midland Road to Gillam Street;
 - iv. the construction of a new means of access from Crescent Road to the former Network Rail goods yard;
 - v. the use by the acquiring authority in connection with the construction and improvement of highways as aforesaid.
- The main grounds of objection are:-
 - i. there is no compelling case in the public interest;
 - ii. lack of identified funding;
 - iii. no attempt to acquire the land and rights by private treaty;
 - iv. the new road is unnecessary;
 - v. some of the land is not required for the scheme;
 - vi. loss of employment opportunities and disruption to businesses;
 - vii. lack of consideration of suitable alternatives;
- When the Inquiry opened there were six remaining objections and two third party objections. Six objections had been withdrawn, one of which being the only late objection. No further objections were withdrawn before the end of the Inquiry (See Table 1 below and Doc 5/11).

Summary of Recommendation:**The Order be confirmed without modification.****Contents of Report**

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Recommendation 181**Statutory Formalities and Procedural Matters**

1. The persons with an interest in the Order lands were notified of the draft Order by first class post sent out on 21 July 2009, and objections Nos 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 on Document 5/11 were received. A second notice was sent by recorded delivery to the same persons on 13 October 2009 (Doc 1/2, DD08) and objection No 7 on Document 5/11 was received.
2. The Luton Town Centre Transportation Scheme (LTCTS) Order, the subject of this Inquiry, makes no provision for an access onto Crawley Green Road from the current Pondwicks Road but such an access may be required as part of the proposed redevelopment of the adjoining Power Court Site. The Council

therefore made a separate Pondwicks Road Compulsory Purchase Order 2010 to acquire the necessary land (Doc 1/1F). An objection was made by Trilogie on behalf of the then site owners, MTL Instruments Limited, which referred to both Orders and the Council recorded this as an additional late objection to the LTCTS Order (Objection No 1 on Doc 5/11 and Table 1). This was the only objection to the Pondwicks Road Order and it has now been withdrawn. The Council therefore intend to confirm the Pondwicks Road Order providing the LTCTS Order is confirmed. This latter Order also covers that part of the proposed southern abutment to the railway bridge that is outside the LTCTS Order Lands (Doc 5/15A/Plan3).

3. The current position with regard to the objections is given in the Table 1 below: -

TABLE 1

Objection				Withdrawn		Comments
No	Plot(s)	Objector	Doc	Y/N	Doc	
1	1,1a,2,2a	Trilogie/MTL Instruments Ltd	5/17/1	Y	5/11 & 2/4A/JA04	Objn to Pondwicks Road CPO but refers also to the LTCTS Order and is taken as a late Objection
2	1,1a,2,2a	Ballymore	5/17/2	Y	5/11 & 2/4A/JA04	Ballymore purchased from MTL Instruments Ltd and objected on behalf of Domaine; British Land are the current owners.
3	4, 4a and 6a-6g	Network Rail	1/1E	Y	5/11 & 2/4A/JA04	Withdrawal subject to agreement (see para 5 below)
4	5, 5a	Garry & Linda Cohen, Cougar Direct Ltd	1/1E	N		No Inquiry appearance
5	4, 6a, 6b and 6g	Freightliner Heavy Haul Ltd	1/1E	N		No Inquiry appearance
6	6a, 6g	Lafarge Aggregates Ltd Northampton Aggregates Ltd	1/1E	N		No Inquiry appearance
7	6b	SIG Roofing Supplies Ltd	1/1E	N		No Inquiry appearance
8	8	GPS Properties Ltd	1/1E	Y	5/11 & 4/1	
9	9	Shah & Patel	1/1E	N		Represented by Mr Hill at Inquiry
10	9	Johnson & Button	1/1E	N		Represented by Mr Hill at Inquiry
11	10	Jephson Homes Housing Association Ltd	5/17/3	Y	5/11 & 2/4A/JA04	
12	None	First Capital Connect Ltd	5/17/4	Y	5/11 & 2/4A/JA04	

4. At the Inquiry, the Council confirmed their compliance with all the Statutory Formalities and submitted a certificate of the relevant notices (Doc 5/01).
5. On the second day of the Inquiry (Thursday 26 January 2012) the Council submitted an agreement that they had entered into with Network Rail (Doc 5/15A) regarding the implementation of some of the works which are the subject of the Order, and on which basis Network Rail had withdrawn their objection (Doc 2/4A/JA04/3). The Council had reached the view that the agreement did not provide the necessary powers to carry out the works and the Inquiry was adjourned to enable the Council to resolve this matter. On resumption, on Wednesday 01 February 2012, the Council submitted a deed of variation which they considered would provide the necessary powers (Doc 5/15B).

Background to the Order

(see the Town Centre Insert on Proposals Map at Doc 5/04, the plan at Doc 2/4B/JA14 and the Order Plan at Doc 1/1B)

6. The southern part of a dual carriageway Inner Ring Road around Luton Town Centre from the St Mary's Roundabout on Crawley Green Road to New Bedford Road was completed in 1984. Thereafter a study of the town centre transport arrangements recommended, amongst other things, a single carriageway link road from New Bedford Road to Crawley Green Road to complete the ring road to the north of the Town Centre.
7. The first phase of this single carriageway road from New Bedford Road to Old Bedford Road was implemented in the spring of 2003 as part of a flood relief scheme and is now known as Hucklesby Way.
8. The proposed 'Gateway Link' road would run from the junction of Hucklesby Way and Old Bedford Road to the north of the railway line and south of Midland Road, for part of its length under a new multi-storey car park associated with the railway station, to a signal controlled junction with Church Street and Hitchin Road.
9. From the Church Street / Hitchin Road junction, the new route would cross some former railway land to join, and then run along, Crescent Road to an upgraded signal controlled junction with Crawley Green Road. This latter road would be made a dual carriageway from this point down to the St Mary's Roundabout, which would be signalised. The new carriageway would cross the mainline railway, a siding and the Airport Link of the Luton and Dunstable Busway that is currently under construction on a new bridge (Doc 1/1B).
10. No through vehicular access would be permitted from either end of Midland Road but a new link would be formed from the eastern end of Midland Road to Gillam Street.
11. All the new traffic signals along the scheme would be interlinked to enable traffic and pedestrians to move along and cross the route in the most efficient manner. This would also reduce congestion at the junctions at either end of the scheme.
12. The purpose of the current Order is to assemble the necessary land and rights to implement the Gateway Link and the other road improvements from Old Bedford Road to the St Mary's Roundabout.

The Order Lands and their Surroundings

(See Doc 1/1B and Doc 1/2 DD08 Page 12)

13. Plots 1, 1a, 2 and 2a were formerly mixed use land in the ownership of MTL Instruments Ltd but Objection No 2 was submitted by Ballymore on behalf of Domaine Developments who no longer have an interest in the land. This objection has been withdrawn. These are currently unoccupied lands which form part of the much larger Power Court site that is now owned by British Land (see note in Table 1). British Land is the proposed developer, with whom the Council is in negotiation over the redevelopment of the whole Power Court Site (JA23). It is sought to acquire the land of Plots 1 & 2 and to acquire rights over Plots 1a and 2a.
14. Plots 3, 3a are former railway embankment land in the ownership of the BRB Residuary Body. It is sought to acquire rights over Plot 3 and to acquire the land of Plot 3a. There was no objection relating to these Plots.
15. Plots 4 and 4a are Network Rail operational land that is leased to Freightliner Heavy Haul Ltd. It is sought to acquire the land of Plot 4 and rights over Plot 4a. Network Rail have withdrawn their objection (No 3) (see paragraph 2 above), but the Freightliner objection (No 5) remains extant.
16. Plots 5 and 5a are commercial premises in the ownership of Gary and Linda Cohen and are occupied by Cougar Direct Ltd as a motor vehicle workshop (Objection No 4). It is sought to acquire the land of Plot 5 and rights over Plot 5a).
17. Together, Plots 6a-g are commercial premises owned by Network Rail who have withdrawn their objection (No 3) (see paragraph 2 above).
18. Plots 6a, 6b and 6g are former railway land now occupied and used as access by Freightliner Heavy Haul Ltd (Objection No 5).
19. Plots 6a and 6g are former railway land now used for access by Lafarge Aggregates Ltd and Northampton Aggregates Ltd (Objection No 6).
20. Plot 6b is former railway land occupied by SIG Roofing Supplies Ltd (Objection No 7).
21. Plots 7a and 7b are Council owned land which was occupied by Autopoint (Sales) Ltd but has now been cleared for redevelopment. There is no objection relating to these plots.
22. Plot 8 is a ground level pay and display car park owned by GPS Properties Ltd whose objection has been withdrawn (Objection No 8).
23. Plot 9 is a garage building at 10-22 Midland Road (referred to as Plot 12 on the objectors' plans). The site is owned by B P K Shah and M P Patel and leased to R W Johnson and P M Button who operate both vehicle repair/MOT and car wash businesses from the site (Objections Nos 9 & 10).
24. Plot 10 is part of site of the former commercial premises owned by Jephson Homes Housing Association whose objection has been withdrawn (Objection No 11). The site has now been cleared for re-development.

25. A further objection (No 12) was made by First Capital Connect relating to their operation of the town's railway station. It has been withdrawn (Doc 2/4A/JA04).
26. The rights to be acquired through the Order are to enter the respective plots to carry out works for, and in connection with, the construction, repair and maintenance of the development (Doc 1/2, DD8 page 12).
27. The Order Lands are all to the north and north-east of Luton Town Centre which is dominated by The Mall (formerly the Arndale) Shopping Centre with its various vehicular and pedestrian accesses, including those to and from a number of small streets to the north. Guildford Street and St Mary's Road form a through route for traffic wishing to travel in an easterly or westerly direction through this northern part of the Town Centre.
28. Church Street runs north from the junction of St Mary's Road and Guildford Street to become Hitchin Road beyond its junction with Midland Road and Crescent Road. The large Power Court redevelopment site occupies all the land south of the busway (under construction) and the railway line to the east of Church Street, north of St Mary's Road and west of Crawley Green Road.
29. To the west of Church Street, and north of Guildford Street, there is more retail, commercial and residential development with a new bus station currently under construction next to the railway station.
30. Also to the west of Church Street, but north of the railway line, the new road would run to the south of Midland Road over some currently vacant land, under the recently constructed multi-storey car park next to the railway station and over some land currently used for pay and display car parking. North of Midland Road there is the High Town East Village area of Luton with its Conservation Area and network of narrow roads giving access to a mixture of residential and business premises.
31. To the east of Church Street and north of the railway line there are sidings and former railway land currently used for business purposes, together with other business uses fronting Crescent Road. On the opposite side of Crescent Road there is a mixture of residential and business uses, with residential development on rising ground behind.
32. To the south-east of Crawley Green Road there is a mixture of residential and business uses and, directly opposite the end of Crescent Road, an arched gateway to the Crawley Green Road Cemetery.

The Case for the Council

Policy

33. The statutory Development Plan for the area currently includes the Regional Spatial Strategy for the East of England (May 2008), the saved policies of the adopted Bedfordshire Structure Plan 2011 (adopted March 1997) and the Luton Local Plan 2001-2011 (adopted March 2006).
34. Notwithstanding the Government's intention to abolish regional spatial strategies the following policies of the East of England Plan are currently relevant, SS1, SS5, E1, E5, T1, T4, T5, T8, T9, T13 and T15. The relevant Local Plan policies are CA1, CA5, CA6, CA7, HT1, T3, T5 and T12.

35. In addition, work has commenced on the Luton and Southern Central Bedfordshire Core Strategy: Pre-submission Document (November 2010).
36. Other non-statutory planning policy includes the Milton Keynes and South Midlands Sub-Regional Growth Strategy (March 2005), the Local Transport Plan 2 (2006-2011) and the Luton Local Transport Plan 3 (approved 28 March 2011 for submission to the Department for Transport (DfT)).
37. National level policy in PPS 4 and PPG 13 is also relevant, as well as 'The Future of Transport', 'The Eddington Transport Study' 'Creating Growth, Cutting Carbon' and 'Manual for Streets'.
38. In essence, all the planning and related policy documents recognise the poor economic state of Luton, the marked deprivation in the town (Doc 1/2 Rule 7, Section 3) and the need to promote an efficient transport infrastructure in the area (Policy T1 of the Regional Transport Strategy). National and local policies therefore seek to promote the growth and regeneration of Luton, and to manage and improve the road network for the greatest efficiency.

Need for the Scheme

39. The southern and western part of the Inner Ring Road round Luton has been completed, but there is only a network of small roads on the northern and eastern boundaries. As a result, significant amounts of traffic pass directly through the Town Centre causing considerable congestion in the am and pm peak periods, especially on those occasions when there is congestion on the nearby M1 Motorway.
40. The provision of the Gateway Link and the other road improvements would complete the Inner Ring Road and, as such, the scheme is considered to be a key element of the Luton Town Centre Transportation Scheme. It is firmly in line with latest Government advice in 'Delivering a Sustainable Transport System' (2008) and the local policies which aim to improve the transport infrastructure in the town.
41. The scheme should be seen as a fundamental part of the integrated and comprehensive regeneration of Luton's transport network and the Town Centre as a whole.

Traffic Assessment

42. Taken as a whole, the Luton Town Centre Transportation Scheme would improve the arrangements for all forms of vehicular transport around the town by reducing congestion and improving the reliability and safety of sustainable forms of transport, including walking, cycling and the bus services.
43. Not only would the scheme provide additional vehicular capacity but the traffic modelling shows that there would be a significant reduction in the current congestion in and around the Town Centre.
44. The reduced congestion would significantly benefit the reliability of the bus services around the town, making them much more attractive to use. With the proposed closure of a section of Guildford Street to through traffic, travellers arriving at the new transport hub (the existing railway station and the developing bus station) would have a much more attractive route into the Town Centre via a proposed new public square.

45. A new segregated cycle route would be provided along the Gateway Link, and closure of Guildford Street to through traffic would also benefit cyclists. Sustrans support the scheme and may incorporate Guildford Street as part of the national cycle route (Doc 2/4B/JA19).

Economic Benefits

46. With easier and more attractive pedestrian and cycling access to the Town Centre there would be benefits to the vitality and viability of the retail sector. The scheme is supported by such bodies as the South East Midlands Local Enterprise Partnership and the Bedford and Luton Chamber of Commerce (Doc 2/4B/JA13).
47. The increased highway capacity would be of fundamental importance to the economic regeneration of Luton because, without it, the redevelopment of key town centre sites would be extremely problematic, if not impossible.
48. The scheme would be necessary in order to permit the additional traffic from the proposed re-development of the Power Court site which is now owned by British Land. Although the details of the proposed development have yet to be finalised, it is likely to be a mixed use development with a food retail store, other retail uses, A3/A5 uses and a considerable number of residential units. British Land wrote supporting the Best and Final Bid to DfT for the scheme funding and have agreed to contribute £3m, as well as their portion of the land covered by the Order, upon the grant of planning permission. No application has yet been made, but is expected later in 2012 (Doc 2/4B/JA13).
49. Policy CA1 of the Luton Local Plan relates to the extension of the Mall Shopping Centre on an adjoining site known as The Northern Gateway. An application was submitted for this development in 2007 which would include a major extension to the Mall with A1, A2, A3 and A4 uses, 124 residential flats, offices and associated car parking. Whilst this application remains undetermined, a revised scheme is expected in 2012 to address the Council's outstanding concerns. The completion of the Inner Ring Road would be essential to allow this development to take place.
50. An area of some 5.7ha within High Town to the north of Midland Road has been identified for redevelopment into a live/work area with green spaces for recreational purposes. This scheme is being promoted by the Council's Regeneration Service and, whilst discussions have taken place with a number of developers, no planning applications have yet been submitted. The proposals are supported by Policy HT1 of the Local Plan and highway infrastructure works would be necessary for this development to proceed.
51. There are therefore a number of developments that are either dependent upon, or associated with, the completion of the Luton Town Centre Transport Scheme, of which the completion of the Inner Ring Road forms a vital part, as shown in the table below: -

Development Site	Site Area (ha)	New Homes	New Jobs
High Town East Village	6	688	380
Station Gateway	4	375	250
The Mall Extension	5	150	1,600
Power Court	15	800	2,100
Napier Park/Stirling Place	55	2,000	7,400
Total	85	4,013	11,730

Alternatives

52. Particularly because of the position of the railway and other developments, there is very little scope for alternative routes for the proposed road. However an alternative line was identified at the eastern end of Crescent Road where the 'Green Option' would have curved south on a skew bridge over the railway and busway to join Crawley Green Road at St Mary's Roundabout. After consultation, this alternative was abandoned because it would be more expensive, take longer to construct and sever parts of the Power Court site, thereby significantly reducing its development potential and also the potential developer contribution towards the Gateway Link scheme. At the same time, there would be very little environmental benefits.
53. Two options were investigated for the proposed link from the eastern end of Midland Road into the High Town Regeneration Area. The alternative to the one proposed in the Order was to link Midland Road through the premises occupied by PACT Engineering, COB Engineering and Travis Perkins to Taylor Street to the north (Doc 5/14). This would have significantly increased costs in terms of constructing a greater length of new road with its associated works and more land. It would also have affected more businesses.

Environmental Impact

54. An Environmental Impact Assessment (EIA) of the scheme was carried out in 2008 and the resulting Environmental Statement (ES) (Doc 1/3) was submitted with the relevant planning applications. The ES assessed the scheme in terms of noise and vibration, air quality, landscape and visual impact, biodiversity and nature conservation, cultural heritage, pedestrians, cyclists, equestrians and community effects, geology, soils and hydrogeology and the construction impacts, as well as highways and policy considerations.
55. Amongst other things, the EIA found that there would be a reduction in the number of persons significantly affected by noise. The effect upon the townscape would be neutral, or slightly beneficial, and could be improved through the proposed mitigation measures. There would be a slight adverse effect upon cultural heritage because of the possibility of encountering unknown archaeological features, although much of the land has previously been developed.

Planning Permissions

56. Planning permission was granted in February 2009 for the road and the time limit was varied on 23 January 2012 to permit a further three years for implementation. Planning permission for the Gillam Street link will expire in August 2012 and an application has been made to vary that time limit.

Economic Case

57. The modelled forecasts have been accepted by the Department for Transport and they show journey time savings of around 1% and vehicle operating cost savings of some £70m.
58. These led to the development of the economic case and a very satisfactory Benefit to Cost Ratio (BCR) of 4.9. 4.1 of that BCR derives from the journey time improvements and savings in vehicle operating costs whilst the remaining 0.8 derives from the benefits to pedestrians and reductions in accidents.

Scheme Funding

59. The outturn cost of the scheme is estimated to be :-

Construction	-	£9.798m
Services Diversions	-	£2.052m
Surveys	-	£0.100m
Land	-	£7.265m
Risk	-	£1.462m
Design & Supervision	-	£0.908m
Inflation	-	£2.275m

60. After deducting £0.11m for Part 1 Claims (long term mitigation etc) the Best and Final Bid to the DfT amounted to a total scheme cost of £23.900m made up of £1.330m from the Council, £6.720m from Third Parties and £15.850m from the DfT (Doc 2/3, para 4.10). The DfT has approved this funding for programme entry purposes, subject to a number of conditions, which are acceptable to the Council (Doc 2/4B/JA24).
61. The Third Parties' contribution includes £3m from the Power Court Development which the developers, British Land, are prepared to make on the grant of planning permission (Doc 2/4B/JA23). On 25 August 2011, the Council's Executive resolved to underwrite any short- to medium-term shortfall on the project, including any delay in receiving the Power Court contribution. A further £3m would be funded partly by the value of lands owned by Network Rail through a separate agreement with the Council, and the remainder would be funded by cash, borrowing or a contribution of the Council's own land to the project. On 23 January 2012, the Council also resolved to provide a total of £1.5m additional funding for the project; £0.5m being to cover an overspend to date, with the remaining £1m as new funding for the scheme (Doc 5/10).

Scheme Implementation

62. Subject to confirmation of the Order in the Spring of 2012, it is envisaged that work would start on the site in June 2013, with completion in August 2014 (Doc 2/3, para 4.17).
63. There is a 24 month notice period for the mainline track possession required for the installation of the new Crawley Green Road railway bridge. An application

has been made for that possession over the Christmas 2013 holiday period. Other shorter-notice possessions would also be required, but can be accommodated within the programme.

64. Various traffic regulation orders would be required to implement the scheme, for instance to close Guildford Street to through traffic other than emergency vehicles. These orders have already been advertised with no objections, but they would be re-advertised. There is no reason to anticipate any difficulty in obtaining these orders.

Objections

65. There are very few outstanding objections to the scheme and some of those relate to technical aspects of the construction of the scheme, rather than the compulsory purchase of the land or rights.

General Conclusion

66. The response to each remaining objection is given below, but the Lands and the Rights sought under the Order are necessary for the scheme to function as financially, viably and effectively as possible. Given the economic and regenerative benefits that would be achieved, there is clearly a compelling case in the public interest which outweighs the individual interests of the objectors such that the Order should be confirmed.

Submissions Supporting the Council

Mr King

67. Mr King is a long term resident of Luton who supported the completion of the Inner Ring Road.
68. He was pleased that Crawley Green Road would be made into a dual carriageway but he expressed the view that it would have been much better if the rest of the scheme could also be dual carriageway, like the older parts of the Ring Road. However he recognised the physical constraints of providing a dual carriageway to the north of the Town Centre.
69. He was concerned about the awkward left turn for traffic travelling west along the new road into Old Bedford Road and then right into Mill Street in order to access the rest of the Ring Road at Telford Way. He would also have liked some action to improve the limited headroom of the existing railway bridge crossing Church Street close to the proposed Gateway Link junction. Nevertheless, he accepted that the proposed single carriageway would provide considerable benefits to the town as a whole.

Objections heard at the Inquiry

References	-	Objections Nos 9 & 10 (Plot No 9)
Address	-	10-22 Midland Road, Luton, LU2 0HR
Objectors	-	Bhagwandas Panachand Karsanji Shah and Maganbhai Parbhubhai Patel (Owners) Robert William Johnson and Paul Martin Button (Leaseholders)

Case for the Objectors

70. Although two separate objections were made by the owners and leaseholders of 10-22 Midland Road (Plot 9 on the Order but Plot 12 on the Objectors' Plan) they presented one combined case.
71. The Council's case for the compulsory purchase of Plot 9 is to provide access to and from the eastern end of Midland Road through the High Town East Village Redevelopment Area. Their scheme envisages a link to Gillam Street which meets Burr Street at a T-junction where traffic would have to turn left to go through the High Town itself, or alternatively, right to join Hitchin Road.
72. The Council must have recognised that a high volume of traffic on this Midland Road/Gillam Street/Burr Street/Hitchin Road route would cause considerable congestion and concluded that the volume would be small. If so, there is no need for the link to be provided and accordingly the compulsory purchase of this plot is unnecessary.
73. Once the Gateway Link is open to traffic, much of the traffic using Midland Road would be to and from the new multi-storey car park beside the railway station. If approaching from the Hitchin Road direction, this traffic would encounter heavy congestion at the Hitchin Road/Burr Street junction and be more likely to leave Hitchin Road and travel via High Town Road to Midland Road, thereby negating the need for the link.
74. Although the actual traffic to the multi-storey car park cannot be verified because it has not been open very long, the 700 or so vehicles likely to arrive and leave the car park at staggered times throughout the day and night could well do so via High Town Road and Dudley Street without the need for this link.
75. There are only two garages, a solicitor's office and the car park with direct access to the section of Midland Road between High Town Road and its proposed eastern termination (Doc 5/13). They could operate very successfully without this link, at least until there is more certainty about the way in which the High Town East Village area would be redeveloped.
76. At present, the High Town East Village redevelopment is not much more than a planners dream and the property values do not currently support the prospect of redevelopment. Accordingly there is no certainty about the road layout to which the link would connect. If Midland Road were simply terminated, a link could be made at a later date when the road layout was properly established.
77. If however a link is necessary at present, then it could be provided on the Council-owned land adjoining Plot 9. This would avoid the loss of these objectors' business premises where three people are employed in a MOT testing

and vehicle repair business and another three in a car wash business. Whilst these businesses might transfer to other premises, the existing buildings would be lost and with them the associated employment opportunities.

78. If the loss of business premises is to be accepted, then the Council's alternative link to Taylor Street may be preferable (Doc 5/14).
79. Accordingly, there is no compelling case in the public interest for the compulsory purchase of Plot 9.

Response by the Council

80. It would not be safe or practical to maintain direct vehicular access from Midland Road to Hitchin Road to the east, and Old Bedford Road to the west, when the Gateway Link was open to traffic. Midland Road would therefore have to be closed to traffic at these points.
81. If no link were provided at the eastern end, a turning head would be required because of the excessive reversing distance. This would require the use of at least part of Plot 9.
82. There is an alternative route for traffic at the western end via Dudley Street to Old Bedford Road, but there would be no equivalent route for traffic wishing to access Hitchin Road because High Town Road is one-way towards Midland Road. It is not wide enough to be converted to two-way flow which, in any case, would harm the character of the Conservation Area.
83. With a large proportion of the vehicles using the new multi-storey car park coming from the Hitchin Road direction, the Dudley Street connection would be totally inadequate to avoid undue congestion in the High Town itself. A more direct link is therefore required.
84. The option of a link to Taylor Street was considered but rejected (see paragraph 53 above).
85. The prospect of a link over the Council-owned land adjoining Plot 9 was also considered but the necessary geometry, visibility and sight stopping distances in the Design Manual for Roads and Bridges could not be achieved without utilising part of the land and buildings on Plot 9. The lesser standards in the Manual for Streets would require less of Plot 9, but would still impact significantly on the businesses operating from the site.
86. Even if it were practicable to implement the latter alternative, the resulting tortuous route would involve most undesirable sharp left and right turns in quick succession. In any case, it would not sit well with the outline design proposals for the redevelopment of the High Town area (Doc 5/18). Although these proposals may be at an early stage, they are part of an adopted Supplementary Planning Document which has been the subject of a public consultation exercise, in which the objectors did not take part. In planning terms, these proposals carry some weight. Whilst it may take many years to complete the redevelopment scheme, the Gillam Street link is seen as a key part of the access into this redevelopment area.
87. It was accepted that at least one of the two businesses operated from the site had not yet sought other premises in the area and that they might well transfer

to another site. There is therefore a realistic prospect that no, or very few, jobs would be lost.

Other Submissions opposing the Council heard at the Inquiry

Mrs Thorpe

88. Mrs Thorpe is a third party objector and long term resident of Luton who considers the Luton High Town Urban Village to be a very special Conservation Area which she would not wish to see harmed in any way.
89. She was also concerned that Crescent Road was never intended for the volume of traffic that it would carry as part of the Gateway Link. She raised fears about harm to road safety, damage to the water and sewerage infrastructure, increased noise and pollution, all of which would impact in one way or another on the residents of the area, many of whom are young, old or infirm. She therefore requested a full Environmental Impact Assessment (EIA) of the scheme before the Order was confirmed. If confirmed, she sought the attachment of appropriate conditions.

Response by the Council

90. All the matters raised by Mrs Thorpe were covered in the EIA carried out in 2008 in conjunction with the relevant planning applications for the scheme. No significant adverse impacts were identified and the planning permissions were granted. There have been no material changes of circumstances to warrant any review of the work already undertaken.
91. There is no scope for attaching conditions to a compulsory purchase order which can only be confirmed, as made, modified, or not confirmed.

Mr Oakley-Hill

92. As a member of the Luton Assembly and other bodies, Mr Oakley-Hill acted as a spokesperson for a number of local residents who had approached him with their concerns about the scheme.
93. Whilst not objecting in principle to the scheme, he wished to see modifications made to the Order, although he was unable to identify any.
94. The Council has been committed to this scheme since the late 1980s and the consultation in 2007 only considered the 'Green' and the 'Red' route alternatives. It did not give an option for no road at all.
95. The need for the scheme appeared to be generated by the Council's wish to close Guildford Street to through traffic. Vehicles travelling from Old Bedford Road via Hitchin Road to Crawley Green Road would still have only a two-lane road and may have to stop at the Hitchin Road junction. There would be no material increase in highway capacity.
96. There is no obvious reason to provide four lanes along Crawley Green Road from Crescent Road to the St Mary's Roundabout. If just two lanes were required, the land-take on the Cougar corner could be either avoided, or at least drastically reduced. This major junction would also detract from the historic setting of the listed archway into the Crawley Green Cemetery on the opposite side of the road.

97. The present staggered junction between Midland Road and Crescent Road works fairly well, generating its own traffic calming and driver courtesy, whereas the proposed junction appears to be unnecessarily large, which in turn has generated the need for the new access to the railway land from Crescent Road. Retaining the current line of Crescent Road would avoid the loss of an approximately 200m long line of mature trees, which would take many years to replace.
98. The increased traffic flow would sever the communities on either side of Crescent Road, as has occurred elsewhere around the Ring Road.
99. The town's water supply could be adversely affected by the increased traffic close to the water company's premises on Crescent Road.
100. He considered the access to the railway station should be retained from Hitchin Road for the use of people living to the east of the station and, if necessary, the proposed busway should be realigned.
101. He raised concerns that rail passengers waiting on the station platform would be unduly affected by noise and pollution from the cars travelling through the basement of the adjoining multi-storey car park just behind them.
102. Guildford Street works fairly well as a through route but, with little sunlight reaching ground level, it would not provide an attractive pedestrian route or place for people to sit out. In contrast, the present ground level car park at Silver Street could be.
103. Extension of the Mall over Silver Street and its car park would be a missed opportunity to create an open space in the Conservation Area immediately behind the Mall which could include cafes and other places to relax among planting and a newly exposed River Lea. This would help to counter the domination of the Town Centre by this giant indoor shopping complex. The River Lea should also be a major feature of the Power Court development.
104. The transfer of buses from close to the Mall would mean that particularly the elderly, frail or disabled would have much further to walk in all weathers to the new transport hub.
105. Despite the calls for greater economic growth, much of the additional retail development proposed for Luton Town Centre is not required. It would not promote the small independent shops that are required, and which would help to promote local sustainability.
106. The Railway Tavern opposite the Midland Road entrance to the railway station has just closed. It should not be lost, but put to another good use such as a café with outside tables.

Response by the Council

107. A compulsory purchase order can only be confirmed as drafted, or in a modified form, or not be confirmed. There is no opportunity to attach conditions such as on a planning permission. Although Mr Oakley-Hill said that he was against large parts of the scheme and would like to see modifications to the Order he did not identify any such modifications.

108. He acknowledged that he was not a qualified planner or highway engineer but he had taken part in previous consultation exercises, and had been unsuccessful in changing the Council's scheme. That scheme now has planning permission and the Order was necessary for its implementation.
109. It was regrettable that some trees would be lost as a result of the scheme, but the proposed landscaping included for two trees to be planted for every tree lost.

Remaining Objections not heard at the Inquiry

- Reference** - **Objection No 4**
- Address** - **Plots 5 and 5a**
- Objectors** - **Garry & Linda Cohen (Owners)**
- **Cougar Direct Ltd (Occupiers)**

Case for the Objectors

110. The compulsory purchase of the land is neither justified nor necessary to fulfil the purpose of the acquiring authority.
111. The compulsory purchase is premature in that the acquiring authority has made no attempt to acquire any of the relevant interests by private treaty.
112. There is no compelling case in the public interest in that inter alia the acquiring authority has failed to identify how the scheme would be funded.

Response by the Council

113. Plot 5 is required to provide the land for the major signalised junction between the proposed dual carriageway Crawley Green Road and Crescent Road. Between them, Plot 5 and 5a are also required to provide the accommodation works to construct the new railway bridge over Crawley Green Road.
114. The Council has been in discussion with Cougar over a period of many months and therefore there has been no failure to negotiate. However, the Council is not in a position to negotiate detailed compensation for the site until, and if, the Order is confirmed. Nevertheless, the Council has made an advance payment of £15,000 to enable Cougar to explore the viability of alternative sites.
115. The scheme is fully funded, as set out above (paragraphs 59 to 61).

- Reference** - **Objection No 5**
- Address** - **Plots 4, 6a, 6b & 6g**
- Objector** - **Freightliner Heavy Haul Ltd (Leaseholder)**

Case for the Objector

116. Freightliner holds a long lease from Network Rail in respect of part of the Luton Railway Yard, most of which is sublet to Lafarge Aggregates Ltd for use as a rail-served aggregates depot. Plot 4 includes part of a rail 'headshunt' which can be used by trains accessing the depot and its shortening may create operational problems.

117. It is proposed to replace the current road access from Church Road by a new access from Crescent Road utilising Plots 6a, 6b and 6g. Some of this land may lie within the area of the lease. The objector needs to be satisfied that the new access would be no less useable than the present route, especially by heavy goods vehicles (HGVs).

Response by the Council

118. It is understood that there is no longer any concern about the 'headshunt'.

119. The proposed new access from Crescent Road is shown on the Plan at Document 2/4B/JA21A. It would utilise Plots 6a, 6b and 6g and would provide for full access for HGVs. The two small areas of additional land marked pink on the plan would probably be acquired by agreement from Network Rail in order to avoid the need for small retaining walls. Similarly, the small area of 'white land' within the radius of the proposed access would probably also be acquired. If however this latter parcel were not acquired, the geometry of the access could be amended as shown on the plan at Document 5/12 without in any way affecting the useability of the access by HGVs.

120. It is understood that the only outstanding issue relates to the payment of historical costs and fees which are under discussion.

Reference - **Objection No 6**

Address - **Plots 6a & 6b**

Objector - **Lafarge Aggregates Ltd (Sub-lessee)**
- **Northampton Aggregates Ltd (Occupier)**

Case for the Objectors

121. The Objectors' operations on the site involve the receipt of large quantities of aggregates from the adjacent railway, their storage and distribution by HGVs on the road network.

122. Planning permission for the scheme includes a new access to the site from Crescent Road, but that access must be available before the existing access is closed in order to ensure the continued operation of the businesses.

123. There is no indication that the design of the proposed access would be adequate for the use of HGVs.

124. There is no justification for the Council to acquire Plot 6g which should therefore be removed from the Order.

Response by the Council

125. As noted above in the response to Objection No 5, the proposed access could be constructed on the Order Land but may be varied slightly if some small parcels of additional land can be acquired by negotiation. In any case, the geometry of the access would be suitable for use by HGVs and it would be available before closure of the existing access.

126. It is understood that the only outstanding issue relates to the payment of historical costs and fees which are under discussion.

Reference - **Objection No 7**
Address - **Plot 6b**
Objector - **SIG Roofing Supplies Ltd (Leaseholder)**

Case for the Objector

127. SIG Ltd operates a roofing materials business from the premises at the Railway Yard off Church Street, partly covered by Plot 6b. The business employs over ten staff and there are plans for expansion which would benefit both the local employment market and the business sector in the area.
128. The loss of this site would have an adverse effect on other local businesses, possibly contributing to increased unemployment and more business failures.
129. Whilst not perfect, the current road system in Luton does permit traffic flows through the town and any benefits would not outweigh the harmful effects upon businesses.
130. Even if the scheme is required, the Council has not demonstrated that the current proposal is the only, or most suitable, location for the road.
131. There must be a question over the viability and deliverability of the scheme in the current economic climate.
132. Accordingly, there is no compelling case in the public interest that would justify the compulsory acquisition of this land.

Response by the Council

133. The scheme would bring considerable new development to Luton and generate many more new jobs than those lost. It was understood that SIG were seeking to relocate locally, thereby maintaining their business.

Third Party Objection not heard at the Inquiry

Mrs LaPorte

134. The Council has not fully taken into account the effects of the proposed scheme on the local residents. It will affect all residents especially the children, disabled and the elderly of Moulton Rise, Crescent Rise, Harthill and Crawley Green Road, plus a number of other side roads.
135. The increased traffic flow will be chaotic because the relatively short and narrow Crescent Road is only intended for local traffic and not for use as a main through road from Midland Road to Crawley Green Road.

Response by the Council

136. The traffic flows and environmental effects along Crescent Road were fully considered in the Environmental Statement submitted with the planning applications for the scheme and there have been no material changes since that time.

Conclusions

NB In these conclusions, the numbers in brackets (..) indicate the numbers of the paragraph(s) where the relevant information can be found.

Need for the Road

137. The Gateway Link and the other highway improvements would be the final part of the Inner Ring Road around Luton Town Centre which was started back in the 1980s. It is a fundamental part of the wider Luton Town Centre Transportation Scheme which is designed to reduce congestion and improve traffic flows in and around the town and to facilitate the general regeneration of the area in accordance with the Development Plan (6, 38, 42, 43).
138. Even though the section from Old Bedford Road to Crawley Green Road would be a single carriageway (6), traffic modelling shows there would be a significant increase in highway capacity in general, resulting in journey time savings of around 1% and vehicle operating cost savings of about £70m (57). The reduced congestion would improve highway safety and bus reliability (42).
139. This new road would provide a route for traffic around the north of the Town Centre and enable the closure of part of Guildford Street to through traffic (44). This would greatly improve the experience, and reduce conflict with vehicles, for pedestrians and cyclists on their way from and to the bus and train stations and the Town Centre shopping facilities, which are dominated by The Mall Shopping Centre. There would therefore be benefits to the vitality and viability of the retail sector in the town and, as such, is supported by such bodies as the Local Enterprise Board and the Chamber of Commerce (46).
140. The increased highway capacity would accommodate the additional traffic generated by a number of prospective developments such as that on the Power Court Site and the extension of the Mall which are envisaged in the Local Plan (48, 49). The High Town East Village proposals are still at a very early stage, but it is likely that the increased highway capacity from the scheme would be beneficial to this development when it takes place, and very much the same can be said for the Station Gateway project (50, 51).
141. The Council also claimed that the considerable numbers of new jobs and houses at Napier Park and Sterling Place were associated with the scheme (51), but I saw for myself that these two developments are some distance away to the east and are already under construction. Therefore, they can hardly be said to be dependent upon the Gateway Link. Nevertheless, there is no doubt that the scheme would still facilitate developments that would generate a large number of jobs and homes.
142. Despite misgivings by certain individuals (88, 94, 101 - 105, 112, 127 -132) about these proposed developments and the principle of the road scheme itself, they are all included in the policies of the Development Plan for the area and should be allowed for in planning the infrastructure of the area (33 - 38, 50, 108).
143. Whilst at the western end of the link, westbound traffic would have a somewhat circuitous route through to Telford Way (69), there is still a very considerable need for the scheme to reduce congestion, improve highway safety and journey

times whilst also promoting the regeneration of an area of acknowledged deprivation (38).

Alternatives

The Green Route

144. Given the position of the railway line, the High Town Conservation Area and the other existing developments, there is little scope for alternative routes for the completion of the Inner Ring Road (52).
145. The Council did however identify an alternative 'Green Route' from Crescent Road to the St Mary's Roundabout that would cross the railway on a skew bridge and also cross the Power Court site. Particularly in the current economic circumstances, there can be little criticism of the decision to abandon this alternative because of the increased costs and reduced developer contributions it would have incurred, whilst providing very little in the way of environmental benefits (52).

Gillam Street Link

146. Given the proposed line of the road to the south of Midland Road, vehicular access from Midland Road to Old Bedford Road to the west and Hitchin Road to the east would have to be cut off (80). With no equivalent at the eastern end, to the Dudley Street route through to Old Bedford Road at the western end, the Council therefore propose a new link through Plot 9 to Gillam Street (82).
147. Without such a link there would be no reasonable route for the significant number of vehicles accessing the station's multi-storey car park each day from Hitchin Road (to the east) because High Town Road is one way and not suitable for two-way traffic flows (83). It would not therefore be appropriate to simply terminate Midland Road at its eastern end for the time being, with or without a turning head (74, 75, 81).
148. The Council considered a link to Taylor Street, but this would be more expensive and would affect more businesses than the proposed link (53).
149. There would be inadequate space to provide a link through the Council-owned land adjoining Plot 9 that would meet acceptable highway design standards (85). Even with minimal standards, some of the land of Plot 9 would be required, and the resulting contorted route would be undesirable in highway terms. It would also not lend itself to the proposed vision for the redevelopment of this part of the High Town area (86). Whilst this redevelopment may well not take place for some years, it is the subject of an adopted Supplementary Planning Document and should therefore be given some weight in planning terms (86).
150. With the proposed link, much of the traffic would use the Burr Road/Hitchin Road junction, but there is nothing to confirm that there would be undue congestion at this location (72).
151. The Gillam Street Link proposed by the Council appears to be the best option for the required link.

Environmental Considerations

152. An Environmental Impact Assessment (EIA) of the proposed scheme was carried out in 2008 (54, 90). This assessment and the various consultations covered all the environmental concerns raised by the objectors (89, 96). Whilst there would be some adverse noise impacts for some nearby residents, the total numbers affected would be reduced. Despite the presence of the archway to Crawley Green Cemetery, close to the Crescent Road junction, the slight adverse effect anticipated upon the cultural heritage of the area was because of the possibility of encountering archaeological remains (55, 956). The loss of some mature trees, especially at the western end of Crescent Road, would be regrettable, but at least they would be replaced on a two for one basis (967, 109). Whilst substantially increased traffic flows can sever communities (98), this is unlikely along Crescent Road because the residential development is only on one side (31). There have been no material changes since 2008 to warrant further EIA work (90).

Planning Permissions and Other Orders or Permissions

153. The Environmental Statement (ES) setting out the work of the EIA was submitted with the planning applications for the scheme, which were granted in 2009 and they have recently had their time limits extended (56). There is no reason to suppose that the planning permission for the Gillam Street link will not also have its time limit extended (56).
154. With continuing negotiations between the Council and the prospective developers of the Power Court site, there is the possibility of needing to retain an access from the present Pondwicks Road to the northbound side of Crawley Green Road. The Council has therefore made and advertised the Pondwicks Road Compulsory Purchase Order. With no outstanding objections, the Council will simply confirm that Order if the Order, the subject of this Inquiry, is confirmed (2). This Pondwicks Road Order covers that part of the proposed southern abutment to the railway bridge that would be outside the main Order Lands (2).
155. Various Road Traffic Orders would be required to implement the scheme, for instance to close part of Guildford Street to through traffic but, with no objections to earlier advertisements, there is no reason to anticipate any difficulty in obtaining these Orders (64).
156. Full possession of the railway line would be required to install the new railway bridge on Crawley Green Road and 24 months notice is required for such a possession. This application has been made to Network Rail and should permit the installation over the Christmas 2013 holiday period which would accord with the proposed programme for completion in August 2014. Other lesser possessions would also be accommodated within the programme (62, 63).
157. There is no reason to anticipate any difficulties in obtaining the necessary approvals and permissions to carry out the scheme and the Council's varied agreement with Network Rail should provide the necessary rights (5).

Requirement for all the Lands and Rights

158. Having discounted the Green Route (145), it is necessary to make Crawley Green Road a dual carriageway as far as Crescent Road in order to accommodate the traffic flows assessed in the modelling exercise (57, 58, 95). Accordingly it is necessary to acquire the land covered by Plots 1 and 2 for the highway itself and the rights over Plots 1a and 2a for construction and maintenance purposes. The land of Plot 3a is required for a bridge pier and the rights over Plots 3 and 4a are required for the bridge spans themselves.
159. Part of Plot 4 and all of Plot 5 are required for the highway works for the new Crawley Green Road/Crescent Road Junction. With the anticipated traffic flows there would be no obvious highway alternative to the proposed scheme that would require significantly less of the land at this corner. The remainder of Plot 4 and Plot 5a are required as working space for the construction of the railway bridge and accordingly the parcel of railway land and the Cougar Direct site are all required for the scheme (110, 113, 116, 118).
160. Plots 6a and 6g are required to provide a new access from Crescent Road to replace the one from Church Street that would have to be closed for road safety reasons as a result of the scheme. Although there may in due course be some slight modification of the extent of Plot 6a, a perfectly acceptable access could be achieved within the Order Land (119).
161. Plots 6b – 6f are all required to provide an appropriate sweep of the new road across the present staggered Midland Road / Church Street / Hitchin Road / Crescent Road junction (117, 119, 127). Plots 7a and 7b are both required for similar reasons.
162. Plot 8 would also accommodate part of the new road from this major junction to the multi-storey car park by the railway station and the associated embankments.
163. With no better alternatives and a need to provide access from the eastern end of Midland Road to Hitchin Road once the scheme was completed, Plot 9 is required for the link to Gillam Street (151).
164. Plot 10 is required as part of the highway works at the Church Street / Hitchin Road junction (24).
165. Accordingly, there is a need for all the land and rights included in the Order for the scheme to be implemented.

Impacts on Businesses

166. There would be a permanent loss of land and buildings for Cougar Direct Ltd, SIG Roofing Supplies Ltd, GPS Properties Ltd and the MOT/maintenance and car wash businesses on Plot 9 (22, 71, 113, 128). Employment information is only available from some of these sites and some of the businesses could well relocate to nearby premises without job losses (114, 129, 131, 133). It is therefore difficult to estimate precisely the likely outcome, but there is no doubt that there would be many more jobs enabled on such sites as the Power Court development through the provision of the scheme (141).

167. Even if the increased highway capacity may not directly facilitate as many developments as claimed by the Council, it would still be necessary to permit such schemes as the Power Court development or the Mall Extension (140). The scheme would also enhance the vitality and viability of the retail element, particularly though improved pedestrian access from the railway and bus stations (139). Whatever the objectors may say, this would provide considerable regeneration benefits to the town, in line with the policies of the Development Plan (38, 105, 137).

Funding

168. Funding of the approximately £24m cost of the scheme has been secured with nearly £16m coming from the Department for Transport (DfT) and some £6.7m from third parties; with the rest coming from the Council's own resources (59, 60). £3m of the third party funding would come from the Power Court developers upon receipt of their planning permission, for which no application has yet been made. The Council has therefore resolved to underwrite this additional amount in the short- to medium-term and has also resolved to provide a further £1.5m to the scheme (61).

169. There is no reason to doubt that the necessary funding will be available to carry out the scheme (112, 131).

Acquisition by Private Treaty

170. Garry and Linda Cohen and Cougar Direct Ltd argued that the Council had failed to attempt to acquire their land and rights by private treaty (111). They did not appear at the Inquiry and the Council countered that they had been in discussions, but could not discuss detailed compensation until the Order was confirmed. They had nevertheless made an advance payment of £15,000 to enable the occupier of the land to explore alternative sites (114).

171. Whilst it is desirable for the necessary land and rights to be acquired by private treaty, such negotiations can be very protracted and might in the end fail, thereby holding up the implementation of a publicly beneficial scheme. The compulsory purchase provisions therefore provide certainty about being able to assemble the required land and rights. Accordingly, the failure to complete the acquisition by private treaty is not a reason not to confirm the Order.

Other Planning Matters

172. Such matters as the headroom under the Church Street railway bridge, the access arrangements to the railway station from the east, the treatment to be provided to the River Lea through the town or the retention of the Railway Tavern may be matters of general planning interest in the area, but they do not bear directly on my consideration of whether the Order should be confirmed (69, 100, 103, 106).

Conditions to, or Modification of, the Order

173. One Objector sought the attachment of conditions to the Order if it was to be confirmed (89) but there is no power to attach conditions to a Compulsory Purchase Order (91).

174. There is the opportunity for the Secretary of State to modify an Order and, although one objector sought such modifications, he did not identify what they

should be (93). There do not appear to be any modifications that would meet his objections whilst at the same time achieving the proposed scheme. Another objector sought modification by the removal of Plot 6g from the Order, but this would be part of the new access required to several business premises (160).

Summary and Overall Conclusion

175. There is clearly a strong case for completing the Luton Inner Ring Road by constructing the Gateway Link and the other highway improvements. This scheme would provide considerable benefits to the traffic flow in and around the town and significantly help to regenerate the Town Centre in line with the Development Plan (143).
176. Those limited alternatives that are available to the Council's scheme would be no better than the proposed scheme (145, 151).
177. The Environmental Impact Assessment was considered as part of the planning process, from which the necessary planning permissions were granted, and the time period has since been extended to suit the likely programme (152, 153).
178. The other necessary Orders and permissions have either been obtained, or should be readily available when required, and funding is in place to carry out the scheme (157, 169).
179. All the Order Lands and Rights are required for the scheme and the impacts on individual businesses would be greatly outweighed by the benefits to other businesses in the area (165, 166).
180. Accordingly, there is a compelling case in the public interest that the Order should be confirmed as made.

Recommendation

181. I recommend that the order be confirmed without modification.

J I McPherson

Inspector

1. INITIAL DOCUMENTS

Doc	Description
1/1	<p>General Documents</p> <p>A - Inquiry Notice</p> <p>B – Order and Plans</p> <p>C – Engineering Drawings</p> <p>D – Statement of Reasons</p> <p>E – Objections</p> <p>F – Pondwicks Road CPO</p>
1/2	<p>Deposit Documents</p> <p>Rule 7 Statement of Case</p> <p>DD01 – CPO(Inquiries Procedure) Rules 2007</p> <p>DD02 – The Luton Borough Council (Luton Town Centre Transportation Scheme) CPO 2009</p> <p>DD03 – The Luton Borough Council (Pondwicks Road) CPO 2010</p> <p>DD04 – The Highways Act 1980 – Part 12</p> <p>DD05 – The Acquisition of Land Act 1981</p> <p>DD06 – The Council’s Executive Minute of 9 March 2009</p> <p>DD07 – The Council’s Executive Minute of 15 February 2010</p> <p>DD08 – Indexed Bundle of the Statutory Consultation and Publicity</p> <p>DD09 – Planning Application for the Gateway Link alignment (Eastern End) 08/01331/FUL, 29 October 2008</p> <p>DD10 - Planning Application for the Gateway Link alignment (Western End) 08/01326/FUL, 22 October 2008</p> <p>DD11 – Planning application for development of a new transport interchange to include a bus interchange, construction of new carriageways and local access road, taxi and disabled parking facilities and junction improvements 08/01328/FUL, 22 October 2008</p> <p>DD12 – Planning Permission 08/01331/FUL, 19 February 2009</p> <p>DD13 – Planning Permission 08/01326/FUL, 19 February 2009</p> <p>DD14 – Planning Permission 08/01328/FUL, 19 February 2009</p> <p>DD15 – Supplementary Planning Application for Gillam Street Link 09/00267/FUL, 11 March 2009</p> <p>DD16 – Planning Permission 09/00267/FUL, 13 August 2009</p> <p>[DD17 – Environmental Statement (See Doc 1/3)]</p> <p>DD18 – Regional Spatial Strategy (RSS) May 2008 – The East of England Plan</p> <p>DD19 - Milton Keynes and South Midlands Sub-Regional Strategy</p> <p>DD20 – Luton Local Plan 2001–2011 Saved Policy Direction Chapters 1&2</p> <p>DD21 – Luton and Southern Central Bedfordshire Core Strategy, Pre-submission Cover and Chapter 11.</p>
1/3	<p>Deposit Document</p> <p>DD17 – Environmental Statement October 2008 Volume 1</p>
1/3A	<p>Additional Document Received at the Inquiry</p> <p>DD17a- Environmental Statement October 2008 Volume 2 – Figures and Consultation Replies</p>
1/4	<p>Deposit Documents</p> <p>DD22 – Luton Local Transport Plan 2 2006-2011</p>

- DD23 - Luton Local Transport Plan 3
- DD24 – Planning Policy Guidance Note 13 (PPG13)
- DD25 – “The Future of Transport”, July 2004
- DD26 - The Eddington Transport Study, December 2006
- DD27 – “Creating Growth, Cutting Carbon”
- DD28 – Manual for Streets (MfS), March 2006
- DD29 – PARAMICS model Calibration Report, December 2006
- DD30 – Luton Town Centre Transport Scheme Traffic Forecasting Report
December 2010
- DD31 - Luton Town Centre Transport Scheme Economic Assessment
Report December 2010

2. COUNCIL’S STATEMENTS

Doc	Description
2/1	Statement by Ms Rousell and Summary
2/2	Statement by Mr Ogden and Summary
2/3	Statement by Mr Cunningham and Summary
2/4A	Joint Appendices
	JA01 – Best and Final Submission to DfT on 9 September 2011
	JA02 – Renewal of 3 no Planning Applications (DD12, DD13 & DD16)
	JA03 – Details of Traffic Management Orders
	JA04 – Letters withdrawing CPO Objections
	JA05 – Project Management and Governance, Project Management Note 1, Luton Council September 2011
	JA06 – Risk Register (Including Deliverability and Opposition to Project), Project Management Note 2, Luton Council, September 2011
	JA07 – Procurement Process, Project Management Note 3, Luton Council, September 2011
	JA08 – Consultation and Engagement with Stakeholders, Project Management Note 4, Luton Council, September 2011
	JA09 – LTCTS Benefits Realisation Strategy and Plan, MVA Consultancy, March 2009
	JA10 – Response to the DfT RAG Assessment, Pell Frischman, September 2011
2/4B	JA11 – Economic Assessment Report, Pell Frischman, September 2011
	JA12 – Scheme Cost Estimate Report, Pell Frischman, September 2011
	JA13 – Letters of Support from: -
	1. The South East Midlands LEP
	2. The Bedfordshire and Luton Chamber of Commerce
	3. British Land
	JA14 – Plan of LTCTS and other Projects
	JA15 – Luton Model – Local Model Validation Report (Updated and Addendum to CBL LMVR) Pell Frischman, September 2011
	JA16 – Traffic Modelling Forecast Report, Pell Frischman, September 2011
	JA17 – Variable Demand Modelling Test Technical Note, Pell Frischman, September 2011
	JA18 – Check List of Appraisal and Modelling Supporting Material
	JA19 – Supporting Letters and emails to the B&FB
	JA20 – Campaign for Better Transport assessment of the development pool schemes

- JA21 – Plans – proposals for Crescent Road sidings and Crawley Green Road Bridge
- JA22 – Council's Executive on 25 August 2011
- JA23 – Letter from British Land
- JA24 – DfT Funding Approval and Re-confirmation of Programme Entry, 15 December 2011
- JA25 – Luton and South Beds Joint Committee Order 2007

3. OBJECTORS' STATEMENTS

Doc	Description
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- | | |
|-----|---|
| 3/1 | Statement by P J Hill on behalf of R W Johnson & P M Button |
| 3/2 | Statement by P J Hill on behalf of B P K Shah & M P Patel |

4. FURTHER DOCUMENTS RECEIVED BEFORE THE INQUIRY

Doc	Description
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- | | |
|-----|---|
| 4/1 | Letter of 6 January 2012 withdrawing GPS Properties Ltd Objection |
| 4/2 | Letter of 23 December 2011 withdrawing the Network Rail Objection |
| 4/3 | Letter from Mrs Iris Thorpe |
| 4/4 | Letter from Mrs Jean LaPorte |

5. DOCUMENTS RECEIVED AT THE INQUIRY

Doc	Description
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| 5/01 | Notices of the Inquiry |
| 5/02 | Attendance Lists – Days 1, 2 & 3 |
| 5/03 | Council's opening |
| 5/04 | Luton Local Plan and Proposals Map |
| 5/05 | Luton Local Transport Plan 2011-2026 |
| 5/06 | Luton & Dunstable Area Cycle Guide |
| 5/07 | Luton Cycling Strategy |
| 5/08 | Luton Dunstable Busway Progress |
| 5/09 | Luton Station Square Public Realm Concept |
| 5/10 | Report to the Executive and Minutes of 23 January 2012 |
| 5/11 | List of Objections showing those withdrawn |
| 5/12 | Plan showing possible revision of access from Crescent Road to Network Rail site |
| 5/13 | Plan from Mr Hill showing vehicular accesses onto Midland Road close to his objectors' site (shown as Plot 12 on this plan but Plot 9 on the Order Plan) |
| 5/14 | Plan showing the alternative Midland Road link to Taylor Street |
| 5/15 | 5/15A - Agreement by Deed between Luton BC and Network Rail dated 23 December 2011 and
5/15B - Deed of Variation dated 31 January 2012 |
| 5/16 | The Luton Dunstable Translink Order 2006 |
| 5/17 | Copies of four original objections omitted from Doc 1/1E |
| 5/18 | High Town East Village Design Codes |
| 5/19 | Statement by Mr David Oakley-Hill |
| 5/20 | Council's Rebuttal Statement regarding objections to Plot 9 |
| 5/21 | Council's Closing Submissions |

