



*Addressee as on envelope*

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14 July 2008

Dear Sir or Madam

**HIGHWAYS ACT 1980**  
**ACQUISITION OF LAND ACT 1981**

**A421 BEDFORD TO M1 JUNCTION 13 IMPROVEMENT**

1. I am directed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government (“the Secretaries of State”) to refer to the concurrent public local inquiries (“the inquiries”) held at the Saturn Facilities, Bedford Heights, Manton Lane, Bedford, MK41 7PH, for a total of fourteen sitting days between 4 December 2007 and 13 February 2008 before Mr Jack Moffett, BSc (Hon), FICE, MIHT, an independent Inspector appointed by the Secretaries of State to hear objections to, and representations about, the following draft Orders:-

The A421 Trunk Road (M1 Junction 13 to Bedford Improvements and Detrunking) Order 20 (“Order No 1”);

The A421 Trunk Road (M1 Junction 13 to Bedford Improvements) Compulsory Purchase Order (MP No. ) 20 (“Order No 2”);

The A421 Trunk Road (M1 Junction 13 to Bedford Improvements Side Roads) Order 20 (“Order No 3”);

The A421 Trunk Road (M1 Junction 13 Improvements) Order 20 (“Order No 4”);

The A421 Trunk Road (M1 Junction 13 to Bedford Improvements) Compulsory Purchase Order (MP No. ) 20 (“Order No 5”);

The A421 Trunk Road (M1 Junction 13 to Bedford Improvements Side Roads) Order 20 (“Order No 6”);

The M1 Motorway (Junction 13 and Connecting Roads) Order 20 (“Order No 7”);

The M1 Motorway (Junction 13) Compulsory Purchase Order (MP No.) 20 (“Order No 8”); and

The M1 Motorway (Junction 13 Side Roads) Order 20 (“Order No 9”).

2. The draft Orders would, if made, provide for a 13km dual two-lane carriageway between M1 Junction 13 and the A6 at Bedford, except for the section between Marsh Leys Roundabout and the A421/A6 Interchange, which would be a dual three-lane carriageway; grade-separated junctions would also be provided at M1 Junction 13, Marston Moretaine and at Marsh Leys; and the acquisition of land and rights necessary to carry out these works - (“the published scheme”).

3. This letter conveys the Secretaries’ of State decision on the published Orders following consideration of the Inspector’s report.

## **THE INSPECTOR’S REPORT**

4. A copy of the Inspector’s report is enclosed. In this letter references to paragraph numbers in the Inspector’s report are indicated by the abbreviation “IR”. The Inspector concluded overall in favour of the published scheme (IR 8.112).

5. He recommended at IR 9.1 that Orders Nos 1, 2, 4, 5, 6, 7 and 8 referred to in paragraph 1 should be modified as stated in IR 4.25, and so modified, then be made. As regards Order No 3, he recommended that it be modified as referred to in IR 4.25 and that so modified be made, subject to a satisfactory outcome of the matter referred to in paragraphs 17 to 26 below.

## **THE DECISION OF THE SECRETARIES OF STATE**

6. The Secretaries of State have carefully considered all the objections, alternative proposals, representations and expressions of support, made both orally and written, the evidence presented at the inquiries, and the Inspector’s report. They have considered the

requirements of local and national planning, including the requirements of agriculture in reaching their decision.

### Decision on the Environmental Statement

7. The Secretary of State for Transport is satisfied that the requirements of European Directive 85/337/EEC, as amended by Directive 97/11/EC, which has been implemented by section 105A and B in Part VA of the Highways Act 1980, have been complied with fully in respect of the project (“the published scheme”). She is also satisfied that the Environmental Impact Assessment undertaken for the project and the published Environment Statement have properly identified and assessed all significant environmental effects and have considered and given reasons for dismissing the main alternatives, as well as assessing the proposed measures to minimise these impacts. She is satisfied that members of the public and others concerned have been given adequate opportunity to express their opinion, before deciding to proceed with the project.

8. As required by section 105A of the Highways Act 1980, the Secretary of State for Transport has decided, after taking into consideration the Environmental Statement, and any opinion on the published scheme and that Statement, to proceed with the project to which the Statement relates.

### Decision on the published Orders

9. The Secretaries of State are satisfied that the published scheme accords with the aims and objectives of the Government’s National transport policies set out in the “*The Future of Transport – A Network for 2030*”, “*A New Deal for Transport: Better for Everyone*” and, “*Towards a Sustainable Transport System*”, apart from carbon emissions which are subject to longer term targets, and also the Government’s sustainable development strategy, “*Securing the Future*”. They are also satisfied that the scheme complies with Regional and Local transport policies as set out at IR 4.1 to IR 4.13 and IR 8.88, and is included in the regional Major Roads Programme, funded through the Regional Funding Allocations process.

### Legal Submission

10. The Secretaries of State have considered the legal submission recorded at IR 3.1 and the Inspector’s conclusions at IR 8.2 regarding the criteria contained in the case-law cited and the guidance in ODPM Circular 06/2004 on the use of compulsory purchase powers. They consider that the criteria referred to in the judgment and that in the

guidance in the Circular are, in essence, one and the same and that this has been fully complied with in respect of the published scheme. The Secretaries of State are satisfied that there is a clear and compelling case in the public interest to justify the use of compulsory purchase powers for the purposes of this scheme, and this has been demonstrated sufficiently to justify interfering, where necessary, with the human rights of those with an interest in the land affected.

### Matters arising

11. The Secretaries of State in considering the Inspector's report make the following comments on matters raised in the report:

#### Dualling of the A421 West of the M1

12. The Secretaries of State note the Inspector comments at IR 8.5 that in order to increase the operational efficiency of the road network around M1 Junction 13, dualling of the A421 west of M1 should not be unduly delayed. The Secretaries of State fully endorse this statement but at this time can give no firm commitment on when this scheme will be taken to construction. However, as reported at IR 8.5 and IR 4.43, it is expected that funding for this scheme should become available in 2013 through the Regional Funding Allocations process.

#### Left turn on-slip to the A421

13. The Secretaries of State note the Inspector's comments at IR 8.6 that analysis of the cluster of junctions around M1 Junction 13 identified a capacity problem at the left turn on-slip to the A421 at Salford Road for different scenarios. They accept his recommendation in IR 8.6, for the reasons he gives, and as this mitigation work can be undertaken at no additional cost and without modifications to the draft orders, they will ask the Highways Agency to incorporate this alteration into the published scheme at the outset.

#### Parapets to overbridge at M1 Junction 13

14. The Secretaries of State note the Inspector's comments at IR 8.17 that the scheduled parapet alteration works to the existing overbridge at M1 Junction 13, was likely to involve a further period of disruption to travellers, coming shortly after the published scheme was completed, and his suggestion at IR 8.19 that this work should be transferred into the published scheme. The Secretaries of State response is that consideration will be given to undertake this work in late 2010 to coincide with the final six-month construction period of the published scheme. However, this does raise issues of practicality of carrying out works

whilst the bridge structure at this time continues to carry full traffic flows prior to the opening of the new and realigned A421. Whilst recognising the potential benefits of utilising any traffic management which the A421 scheme has in place, the timing of the parapet upgrade works needs careful consideration in order to ensure that this does not impact unduly on road users. If it was to be decided that it would be more practical to carry out these works immediately following completion of the published scheme, the Highways Agency will endeavour to ensure that if any disruption does occur, this will be kept to a minimum.

#### Hoo Lane stopping-up point

15. The Secretaries of State note the Inspector's comments at IR 8.43 to IR 8.45 that a change in the position of the stopping-up point on Hoo Lane, shown in the published Side Roads Order, was proposed on behalf of Mr A Evans and Son. It was explained at IR 6.52 that the stopping-up point should be moved further north to reflect the situation where land adjoining Hoo Lane is in the ownership of the Evans family and to avoid the potential problem of fly tipping on the remaining section of the highway. The Highways Agency response at IR 7.95 to IR 7.97 stated that they had no objection to this in principle, provided there were no objections. It was left to the agent of Mr A Evans and Son to provide proof of agreement from all the parties concerned and to obtain land ownership confirmation before the inquiry closed on 13 February 2008. Although Mr Evans' agent did not reappear at the inquiry to submit this confirmatory evidence, a letter dated 18 February 2008 was sent after the inquiry had closed, and this has now been considered by the Secretaries of State, alongside the Inspector's report. On examination, it would appear from the attachments to this letter that all those parties that have an interest in this matter have given their confirmation. However, it is noted that one of the parties concerned has only confirmed their agreement orally and is not prepared to put this in writing.

16. On this evidence, the Secretaries of State are prepared, in the circumstances, to agree to modify the Side Roads Order (Order No 3) to reflect a change in the stopping-up point being moved to the junction with Cranfield Road, providing none of interested parties subsequently withdraw their consent or propose any further changes to this arrangement. If this was to occur, in the interest of avoiding any protracted delay resolving this matter, and to delivering of the scheme as a whole, the stopping-up point will remain as shown in the Side Roads Order as published in draft. The Secretaries of State are satisfied that proposed modification to the draft Order is not regarded as a "substantial change" for the purposes of paragraph 8(3) of Schedule 1 of the Highways Act 1980 and can be made accordingly.

## Cowbridge Roundabout and stopping-up B530/A5134 Link from A421 to Interchange Retail Park (IRP) Roundabout

17. The Secretaries of State note the Inspector's comments at IR 8.28 to IR 8.38 and in particular his conclusion at IR 8.34 and IR 8.101 where he found that the proposed alternative routes to stopping-up of the B530/A5134 Link from the A421 to the Interchange Retail Park Roundabout, did not provide another reasonably convenient route for the purposes of section 14(6) of the Highways Act 1980. However, it was reported that the Highways Agency and the IRP owners accepted that, with the cooperation and agreement of Bedfordshire County Council, if the current layout of Cowbridge Roundabout on the A6 was improved, this could provide a reasonably convenient route within existing highway land and without modification to the draft Side Roads Order (Order No 3) (IR 8.34). The Inspector decided that instead of adjourning the inquiry to allow these new proposals to be drawn up, which would have meant a delay to the start of the scheme, he set down the procedure, summarised at IR 8.35 to IR 8.37, to be adopted whereby the Secretaries of State would be informed directly by the end of June 2008 of the outcome. This further work became the subject of public consultation after the inquiry closed with the owners and tenants of the IRP, Bedfordshire County Council as the local highway authority responsible for the A6, and other interested parties generally.

18. The consultation was carried out from 23 May to 13 June 2008 and 45 responses were received. The Secretaries of State received the attached Summary Report of the consultation, together with copies of the responses, associated plans, traffic forecasts, appraisals and engineering reports. These have now been considered alongside the Inspector's report for the purposes of deciding whether the proposed junction arrangement to increase capacity of the existing Cowbridge Roundabout on the A6, the associated improvements to the Elstow and Progress Park Roundabouts, and an additional southbound lane between Cowbridge junction and the A6/A421 Interchange (Option 2), would provide a reasonably convenient route, as required by section 14(6) of the Highways Act 1980. This option is described in more detail in section 7 and shown in the plans of the Summary Report. The Secretaries of State need to be satisfied that an existing route is available or will be provided before stopping-up the existing B530/A5134 Link off the A421 to the IRP, as published in the draft Side Roads Order (Order No 3).

19. Firstly, the Secretaries of State are satisfied, on the evidence before them that a robust case is made to close the existing Link off the A421, and it is noted that the Inspector accepted this at IR 8.34. It was

explained that the proposals for the new A421 envisage complete grade separation of all interchanges. The distance between Marsh Leys Junction and A421/A6 Interchange is already below normal highway standards. Retaining an additional junction between the two would require substantial departures from these standards, and the conflicting weaving movements would give rise to very serious safety issues (IR 4.32).

20. It is further noted at IR 6.25 that the owners of the IRP did not contest this or suggest that the existing roundabout should be retained, or propose any form of east-bound slip off the A421 to the IRP. Furthermore, they did not regard the additional distance via the A421/A6 Interchange and Cowbridge Roundabout, to be a major inconvenience. Their main concern, together with others, was that the existing roundabout already had a significant level of congestion and any additional traffic would cause unreasonable inconvenience.

21. Secondly, turning to the test in section 14(6), this is a matter of judgement for the Secretaries of State, based on the evidence before them, from the inquiry and the Inspector's report, the consultation documents and the responses received from interested parties during the public consultation, to decide whether improvements to the existing Cowbridge Roundabout, neighbouring junctions and to the local network generally, as set out in the consultation documents, will provide, for the purposes of section 14(6) of the Highways Act 1980, a reasonably convenient route. It is agreed with the statement at IR 6.24 that the statutory test in section 14(6) is a stand-alone one, and that there is no requirement that the proposed alternative route should necessarily be as convenient as the route that is to be stopped-up, as this is not always feasible in circumstances such as these. In making this judgement, it is appropriate not only to look at the additional distance travelled caused by the closure but also to the time taken, although an alternative may be reasonably convenient even if, in terms of distance, it is longer. It is also noted for this purpose at IR 7.58, as a pertinent observation, that no-one begins or ends their journey at the B530 Link Roundabout on the A421, and from IR 4.44 that the published scheme, when in place, will produce considerable average journey time savings for people wishing to travel both east and west bound on the A421, and to and from Bedford using the A421 and A6. Furthermore, at IR 4.52, although the signed route to the IRP would be via the A421/A6 Interchange, the A6 and Cowbridge Roundabout, other alternative routes, albeit through the local road network, would also be available.

22. In deciding this matter, the question of reasonableness is brought to bear on the convenience of the alternative route for travellers who would previously have used the B530/A5134 Link off the A421 before it

was stopped-up to gain access to the IRP or to Bedford. This does not apply to the overall scheme, or to whether it is reasonable to stop-up the existing highway.

23. The Secretaries of State have carefully considered all the evidence presented at the inquiry, the Inspector's report, the revised proposals for improving the capacity of the existing Cowbridge Roundabout and associated improvements to the neighbouring junctions, and the responses received from interested parties as a result of the consultation. They are satisfied, that the evidence before them shows that the proposals in Option 2, agreed with Bedfordshire County Council will, when in place, provide sufficient capacity to accommodate all the additional traffic displaced by the closure of the B530/A5134 off-link, provide more reliable journey times for users, and also cater for future traffic growth. They are also satisfied from the evidence, that when the published scheme is in place, this will improve the average journey times of all users of the A421, including those proceeding east-bound via the A421/A6 Interchange towards Bedford.

24. The Secretaries of State have also taken into account the additional distance to be travelled by those wishing to visit the IRP from an easterly direction along the A421 when using the proposed improved junction arrangement at Cowbridge following closure of the B530/A5134 Link. They do not, as a matter of fact and degree, consider this distance to be inconvenient, for the purposes of the section 14(6) statutory test, when the overall origin and destination of those journeys are taken into account. This is also considered less of a concern for those wishing to visit the IRP arriving from other directions.

25. The Secretaries of State have therefore decided, for the reasons given above, that the revised arrangements in Option 2 for the current roundabouts on A6 would, for the purposes of section 14(6) of the Highways Act 1980, provide a reasonable convenient route for the closure of the B530/A5134 Link off the A421. In reaching this decision, the Secretaries of State note that a number of responses received from the consultation, raised concerns about the introduction of traffic signals, and that additional provision should be made for buses and to meet the needs of cyclists and pedestrians. These are regarded as important issues to any successful solution and they have been considered in reaching this decision. The Secretaries of State are satisfied that the Highways Agency, together with Bedfordshire County Council, will address these concerns in the final design of the Cowbridge junction and improvements of the existing roundabouts.

26. The Secretaries of State are also satisfied that an agreement entered into between the Highways Agency and Bedfordshire County

Council to carry out this capacity enhancement works will soon be ratified, and by their letter of 18 June 2008, the agents on behalf of the owners of the IRP have confirmed that the proposed improvements will now allay their client's previous concerns. These two matters are now considered to address the Inspector's caveats at IR 9.1 on the making of the Side Roads Order (Order No 3).

## **THE PUBLISHED SCHEME**

27. In conclusion, the Secretaries of State accept the Inspector's conclusions and recommendations and have decided to proceed with the published scheme by making the draft Orders in paragraph 1 above. This will include the modifications recommended by the Inspector to the published draft Orders in IR 4.25.

## **ORDERS TO BE MADE**

28. In the light of the above, the Secretary of State for Transport will make shortly, the Orders listed in paragraph 1 above in accordance with the Inspector's recommendations. The Secretary of State is satisfied that where these modifications affect the published Compulsory Purchases Orders, these can be made under the provisions in paragraph 5 of Schedule 1 to the Acquisition of Land Act 1981 providing the landowners concerned have given their consent, and in respect of the modifications to the other Orders, these are not regarded as making a substantial change for the purpose of paragraph 8(3) to Schedule 1 of the Highways Act 1980.

29. Public Notice will be given when the Orders are made. Any person who wishes to question their validity, or of any particular provision contained in them, on the grounds that the Secretary of State for Transport has exceeded her powers or has not complied with the relevant statutory requirements in making the Orders may, under the provisions of Schedule 2 to the Highways Act 1980, and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Orders are made.

## **COMPENSATION**

30. After the Compulsory Purchase Orders have been made the qualifying persons, in relation to the land comprised in those Orders, will be approached about the amount of compensation payable to them in respect of their interest in the land. If the amount cannot be agreed with the valuer instructed by the Highways Agency, on behalf of the Secretary of State for Transport, the matter may be referred for determination to

the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Acts 1961 and 1973.

## **AVAILABILITY OF INSPECTOR'S REPORT**

31. Copies of this letter, the Inspector's report and the Summary Report of the consultation, have been sent to those who objected and to any other person, who having appeared at the inquiry, has asked to be notified of the decision. Any person who is entitled to be supplied with a copy of the Inspector's report may apply to the Secretary of State for Transport, within six weeks of receipt of this letter, to inspect any document appended to the report. Copies of all the consultation documents and the responses received are also available for inspection. Any such application should be made to Clare Merritt, telephone 01223 372767 at this office. Applications should state the date and time (within normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.

Yours faithfully

A handwritten signature in black ink that reads "T. Freathy". The signature is written in a cursive style with a large, looped final letter.

**Tim Freathy**  
Deputy Regional Director