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Dear Sir or Madam

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
M1 JUNCTIONS 10 TO 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 Inquiries (“the Inquiry”) held at the Superdrug Stores PLC Distribution Centre, Prologis Park, Dunstable between the 8 and 11 June and on 16 and 17 June 2010, before Mr M P Hill, BSc, MSc, CEng, MICE, FGS, an independent Inspector appointed by the Secretaries of State, to hear objections to, and representations about, the following draft Scheme and Orders:

M1 Motorway (Junctions 10 to 13 Improvement Connecting Roads) Scheme 20 (“CRS”);

M1 Motorway (Junctions 10 to 13 Improvement Side Roads) Order 20 (“SRO”); and

M1 Motorway (Junctions 10 to 13 Improvement) Compulsory Purchase Order (No) 20 (“CPO”).

2. This letter conveys the Secretaries' of State decision on the published draft Orders and Scheme, following their consideration of the Inspector's report.

3. The draft CRS and SRO, if made, would provide for the improvement of Junction 11 by widening the existing slip roads onto the M1 to two-lanes on the exit from the roundabout; the widening of the existing roundabout's circulatory carriageway where it joins the slip roads; and the widening of the A505 Dunstable Road to four-lanes at the entries to the roundabout. Junction 12 would be improved by providing a new signalised half-cloverleaf junction located approximately 40 metres to the north of the existing A5120 over-bridge at Junction 12, with new slip roads connecting the motorway to the A5120. The draft CPO would provide for the acquisition of land and rights necessary to carry out these works ("the published scheme").

4. The proposed improvements to Junctions 11 and 12 on the M1 are being undertaken to complement the current improvement to the section of the M1 from Junctions 10 to 13 using Active Traffic Management and Hard Shoulder Running technologies. The improvement to the M1 between Junctions 10 and 13 is being carried out independently of the junction improvements, and construction commenced in December 2009.

THE INSPECTOR'S REPORT

5. 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".

6. The Inspector recorded at IR 1.13 and IR 1.15, respectively, that there were 12 objections to the draft Scheme and Orders outstanding at the opening of the local Inquiry and 13 representations. There were also 10 alternative routes proposals, which received 49 counter-objections - IR 1.18.

7. The Inspector concluded at IR 9.207 that the published scheme is necessary and would adequately address problems associated with high flows at Junctions 11 and 12. Furthermore, in his judgement, the proposal is expedient for the purpose of improving the national system of routes in England and Wales, and the scheme is justified in the public interest. He also considered at IR 9.208 that the objections made to the Orders and the CRS cannot be sustained and that none of the alternative routes proposed justifies further investigation. He went on to recommend that the CRS be made as drafted and the SRO and CPO be modified, and so modified be made.

THE DECISION OF THE SECRETARIES OF STATE

8. The Secretaries of State have carefully considered the Inspector's report together with all the objections, alternative proposals, counter objections, representations and expressions of support made, both orally and in writing, and the post-inquiry correspondence referred to in paragraph 22 below. In reaching their decision, they have also considered the requirements of local and national planning, including the requirements of agriculture.

Decision on the Environmental Statement

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

Decision on the published draft CRS and Orders

10. The Secretary of State for Transport is satisfied that the published scheme is consistent with the Government's transport policy objectives.

11. The Secretaries of State are satisfied that the Inspector's conclusions cover all material considerations relevant to the scheme as a whole, and accept his recommendations, subject to the comments in the following paragraphs.

Matters arising

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

Objections to draft CRS and Orders

13. The Secretaries of State have noted the Inspector's conclusions on the Objectors' cases reported at IR 9.111 to IR 9.154 and his overall conclusions at IR 9.208, and accept, for the reasons he has given to each individual case, that none of the objections made can be sustained.

Effect of Junction 12 Improvements on Green Belt

14. The Secretaries of State note it is reported at IR 2.13 and IR 3.50 that Junction 12 and its proposed improvements are located in the Green Belt. *Planning Policy Guidance Note Number 2 - Green Belts* sets out a general presumption against inappropriate development in the Green Belt. They also note that in recognition of the objectives of the Green Belt designation, the Inspector considered the evidence on this matter and reached the conclusions at IR 9.17, and for the reasons given, found that there are very special circumstances in this case which justify such development at this location.

15. The Secretaries of State are satisfied that the Inspector, in considering this matter, applied the appropriate tests by considering the need and benefits of the scheme against the harm and impact it would have on the character of the Green Belt, having regard to the proposed mitigation measures. They accept the Inspector's conclusion at IR 9.17 that the harm by reason of inappropriateness is clearly outweighed by other considerations identified. The Secretaries of State, therefore, agree with the Inspector that on balance, for the reasons given at IR 3.50 and IR 9.17, there are very special circumstances in this case to justify inappropriate development at this location.

Alternative routes

16. The Secretaries of State note that drawings and a brief description of each of the 10 alternative routes were presented to the Inquiry as reported at IR 7. The case for counter-objections is reported at IR 7.2 to IR 7.66 and the Highways Agency's response to each alternative is reported at IR 8.93 to IR 8.126.

17. The Secretaries of State further note the Inspector's conclusions on each of the 10 alternative routes at IR 9.155 to IR 9.204 and, for the reasons given by the Inspector, accept his overall conclusions at IR 9.205, that none of the alternative routes submitted warrant further investigation.

Modifications to draft SRO and CPO

18. The Secretaries of State note from IR 3.92 that a number of modifications to the published draft SRO and CPO are proposed and

these revisions are set out in Inquiry Documents recorded at IR 3.92 and described at IR 3.93 to IR 3.108.

19. With regard to Modifications 1 to 4 to the draft SRO, the Inspector concluded at IR 9.216 that, for the reasons set out in IR 9.209 to IR 9.215, they should be included in the SRO on making. With regard to Modifications 1 to 5 to the draft CPO, he concluded at IR 9.229 that, for the reasons set out in IR 9.217 to IR 9.228, they should be included in the draft CPO on making.

20. The Secretaries of State accept the Inspector's conclusions and agree that the proposed modifications can be included into both the SRO and CPO on making. In respect of the SRO, the Secretaries of State are satisfied that the proposed modifications do not make a substantial change to the published SRO for the purposes of paragraph 8(3) to Schedule 1 of the Highways Act 1980 and can be incorporated into the Order on making. In respect of the draft CPO, the Secretaries of State are also satisfied, on the evidence before them, that none of the proposed modifications affect the published CPO by requiring additional land-take to that shown in the published draft CPO. For this reason, the Secretaries of State are satisfied that the draft CPO may be modified accordingly on making.

Mr Attwood's Private Means of Access

21. The Secretaries of State note at IR 6.72 to IR 6.77 that arising from the proposed Modification 1 to the SRO, Mr Attwood was concerned that the proposed length of access track adjacent to his property could be used for illegal parking, camping, fly-tipping etc. He requested that if Modification 1 were to be implemented, the design be adjusted by relocating the proposed new access to his field as near as possible to the western boundary of his land. The Secretaries of State further note at IR 9.81 that in the Inspector's judgement he was not necessarily convinced that the potential for problems associated with misuse of this access track and its surroundings would be any greater if Modification 1 were adopted. However, in response to these concerns, the Highways Agency indicated at IR 9.81 that it should be possible to address Mr Attwood's concerns at the detail design stage. The Secretaries of State considers this to be a practicable way of resolving this concern and, therefore, ask the Highways Agency to engage with Mr Attwood to resolve this matter in this way, accordingly.

Post-Inquiry Correspondence

22. Since the close of the Inquiry, correspondence has been received from Kirby and Diamond on behalf of Mrs Anker about objection number 7, reported at IR 5.34 to IR 5.37. The Secretaries of State have considered this correspondence carefully alongside the Inspector's

report in reaching their decision. However, they are satisfied that the matters raised in the post-inquiry correspondence do not cause them to disagree with the Inspector's conclusions and recommendations. They have also noted the correspondence received from Gerald Eve on behalf of their clients, Butterwick Investments Limited and Pearce Recycling Group, withdrawing their objection, reported at IR 5.67 to IR 5.75.

DECISION ON DRAFT CRS AND ORDERS

23. In conclusion, the Secretaries of State have decided to make the draft CRS and Orders, as recommended by the Inspector at IR 10, with the modifications set out in this letter.

NOTICE OF DECISION TO PROCEED WITH PUBLISHED SCHEME

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

MAKING OF CRS AND ORDERS

25. In the light of the decision taken above, the Secretary of State for Transport will make shortly the published draft CRS and Orders listed in paragraph 1 above, as recommended by the Inspector.

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

COMPENSATION

27. After the CPO has been made, the qualifying persons, in relation to the land included in the made Order, will be approached about the amount of compensation payable to them in respect of their interest in the land. If the amount cannot be agreed with the valuer instructed by

the Highways Agency, on behalf of the Secretary of State for Transport, the matter may be referred for determination to the Lands Tribunal under the Lands Tribunals Act 1949 and the Land Compensation Acts 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF INSPECTOR'S REPORT

28. A copy of this letter and the Inspector's report has been sent to statutory objectors and to any other person who, having appeared at the inquiry, has asked to be notified of the decision of the Secretaries of State. Any person who is entitled to be supplied with a copy of the Inspector's report may apply to the Secretary of State for Transport within six weeks of receipt of this letter, to inspect any document appended to the report. Any such application should be made to this office by contacting John Brown on telephone number 01223 372752. Applicants should indicate the date and time (within normal office hours) when they propose to make the inspection. At least three days' notice should be given, if possible.

Yours faithfully

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

Tim Freathy
Deputy Regional Director