



GOVERNMENT OFFICE
FOR THE EAST MIDLANDS

Addressee as on envelope

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6 August 2007

Dear Sir or Madam

HIGHWAYS ACT 1980 SECTIONS 105(A) AND 105(B)
ENVIRONMENTAL IMPACT ASSESSMENT

M1 MOTORWAY JUNCTION 25 TO JUNCTION 28 ON-LINE WIDENING
SCHEME - CONTRACT 1

1. I am directed by the Secretary of State for Transport, (“the Secretary of State”) to refer to the Environmental Impact Assessment undertaken for the proposed widening of the M1 Motorway between Junctions 25 and 28 (“the scheme”) and the published Environmental Statement (“the Statement”) that describes the likely environmental effects of the scheme and the measures to minimise these impacts. The Statement was published by the Highways Agency, as an executive Agency for the Department for Transport, and acting on behalf of the Secretary of State on 23 March 2006 in accordance with section 105A(3) of the Highways Act 1980. It was placed on deposit from 23 March 2006 until 28 June 2006 at the locations given in Appendix A, and



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this formed the basis of exhibitions held on various dates between 30 March and 12 April 2006 as shown in Appendix B. Members of the public and others were invited to express their opinion on the scheme in the light of the Statement. The closing date for receipt of such opinions was 28 June 2006. However, following an internal review of the Statement an error was found in an air quality calculation. This error did not change the context of the Statement but an Erratum Notice was published and circulated to all deposit points. As a consequence, the consultation period was extended to 25 August 2006 to allow time for comment on the Notice.

2. This letter is published in accordance with section 105B(6) of the Highways Act 1980. It summarises the opinions received on the published details of the scheme and on the Statement, and sets out the decision of the Secretary of State for Transport on whether to proceed with the scheme to which the assessment relates.

THE SCHEME

3. The proposed scheme described in the Statement would provide for the widening of approximately 14 Miles (23km) of the M1 Motorway between Derby (Junction 25) and Mansfield (Junction 28). It would widen the motorway by around three metres on each side to create an additional lane to both carriageways. This would result in a motorway of four lanes on each carriageway instead of the three lanes at present. A new hard shoulder would be built alongside each of the additional lanes and modifications carried out at junctions to realign the slip roads to the widened motorway. The scheme would include replacement lighting designed to minimise light



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spillage outside the highway boundary. There would also be illuminated overhead sign gantries spanning the motorway. All of the work would be contained within the existing highway boundary but to create space for the works the slopes at the side of the motorway would need to be steepened and, in some places, retaining walls constructed to hold back the earth. The Secretary of State is satisfied that this scheme, to which the Environmental Statement relates, is a stand alone scheme.

OPINIONS RECEIVED

4. A total of 686 individuals and organisations made written representations about the proposals. No objections were received from Statutory Consultees. The Secretary of State has considered carefully all the opinions received. The following paragraphs summarise the principal concerns by subject matter and give the Secretary of State's responses.

NOISE AND AIR QUALITY

5. A number of respondents questioned the accuracy of the Agency's modelled impacts. In reply the Agency stressed that the noise assessment had complied with the procedures set out in the Department of Transport guidance "Calculation of Road Traffic Noise 1988" and that this was the standard method of assessment. The Agency also stressed that the mitigation measures were to address any change in noise levels as a result of the scheme. The Agency's predictions indicated that in general, there would be a slight increase in noise levels near to the motorway following completion of the scheme but the proposed new noise barriers would reduce noise at



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many locations currently affected by high levels. The Agency also confirmed that the calculation of air quality complied with current guidance, showed that air quality would not worsen because of the widening, and would be compliant with National and European Standards by 2010.

6. Other respondents questioned the locations and adequacy of the proposed new noise barriers. In particular, there was concern about the lack of noise protection for Nuthall Cemetery. However, the Agency explained that there is no legislative mechanism in place, which would enable it to provide a noise barrier as this section of the scheme did not meet the necessary criteria set out in the noise regulations. In response to questions why noise barriers were not being proposed to protect a number of specific dwellings, the Agency explained that these would not provide any significant reduction in noise levels experienced at these properties. In response to concerns that the design of the noise barriers would spread noise over a wider area, the Agency explained that the proposed barriers are predicted to deliver reductions in noise, and no increase in noise is forecast across the wider area because of the new barriers. In addition, the Agency explained that because of its commitment to provide “low noise” surfacing along the entire length of the scheme, current noise levels were estimated to reduce by up to 3db.

7. The Secretary of State is satisfied that the Statement has properly identified and assessed the noise and air quality impacts of the proposed scheme and that the Agency’s proposals for assessing and mitigating the impact of the scheme on noise and air quality, are appropriate and adequate.



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URBANISATION OF THE COUNTRYSIDE

8. Some respondents expressed concern that the scheme would lead to the urbanisation of the countryside through the erection of overhead sign gantries, lighting and a concrete central reserve barrier. This issue was raised predominantly by Derbyshire County Council, English Heritage and the Countryside Agency. In response, the Highways Agency explained that the provision of these linear features of the scheme were governed by safety requirements consequent upon widening from three to four lanes, and emphasised that much of the detail rested on the detailed design yet to be carried out. In taking forward the design work, the Agency undertook to work closely with all its partner organisations to develop a solution which minimised the urbanisation impacts. Given this commitment and the responsibility on the Agency to meet safety requirements, the Secretary of State is satisfied that the Statement has properly identified and assessed the urbanisation impacts of the proposed scheme.

BIODIVERSITY AND ECOLOGY

9. The Statement predicts that the scheme would not cause a net loss of any protected species or habitats listed in the UK or Local Biodiversity Action Plans. Furthermore, its proposals to enhance the habitats within the highway boundary, through appropriate long-term management and that of seeking landowner agreement for off-site planting, would deliver biodiversity gain. However, a number of respondents asserted that the Statement underestimated, or did not address, certain detailed aspects of biodiversity



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and ecology. This issue was raised predominantly by Derbyshire Wildlife Trust, Nottinghamshire Wildlife Trust and English Nature.

10. The Secretary of State notes that following responses by the Agency there remains differences of opinion about some of the assigned values of assessments in the Statement. However, after reviewing all the relevant information, the Secretary of State is satisfied that the Statement has properly identified and assessed all the significant biodiversity and ecological effects of the scheme.

MITIGATION PLANTING

11. A number of respondents expressed concern about the adequacy of the proposed mitigation planting. This issue was raised predominantly by Derbyshire Wildlife Trust, Nottinghamshire Wildlife Trust, Nottinghamshire County Council and English Nature. There was concern that the Agency regarded mitigation planting outside the highway boundary to be non-essential, despite it being an important part of integrating the scheme within the landscape, providing ecological links, as well as providing important habitat within its own right. There was particular concern that all off-site works will be dependent upon land-owners agreements. English Nature suggested that the land in question should be purchased and managed by the Agency to overcome this difficulty. In response, the Agency explained that opportunities to enhance biodiversity had been developed for delivery within the highway boundary and that off-site areas were not essential to mitigate the effects of widening the motorway. Although the Agency explained it had no powers to acquire land for non-essential mitigation works,



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it emphasised that it was aware of its obligations and would take all measures required to ensure it complied with them. The Agency also gave a similar commitment to conserve and enhance the landscape character as part of the scheme.

12. Taking into account all the relevant information, the Secretary of State considers that whilst off-site planting would be advantageous, it is not an essential requirement to the development of the scheme.

RIGHTS OF WAY

13. Derbyshire County Council was concerned that no provision was made for equestrians in the reinstatement of Footpath No1. The Agency explained that this is consistent with the current designation of the footpath and that equestrian user groups or others had made no representations about the proposal.

14. Nottinghamshire County Council was concerned about the demolition and non-replacement of Overbridge 479, which carries Bridleway 19 over the motorway. The Council also sought an assurance that where overbridges or underbridges are to be constructed, adequate footways and, where necessary, cycle/bridleway facilities are provided across the new structures. In response, the Agency explained that following representations from Nottinghamshire County Council and others it had decided not to demolish Overbridge 479. In addition, the Agency advised that all of the existing underbridges are planned to be retained. Some will be widened, but all will retain the provision of footways or bridleways under the structure. The



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Agency also advised that only three of the existing overbridges are planned to be replaced and two of the new structures would provide for a bridleway and the third for a footpath.

15. The Secretary of State is satisfied that the Statement has properly identified and assessed all the significant effects of the scheme on rights of way.

CONSTRUCTION IMPACTS

16. There were concerns, predominantly by Derbyshire County Council, Nottinghamshire County Council, Derbyshire Wildlife Trust, Nottinghamshire Wildlife Trust, and English Nature, about the impact of the construction works on the surrounding area. They contended that the Statement did not fully assess the impact of the construction activity under Contract 1. The Agency explained that although it was not possible to be certain of the detailed construction arrangements of the contractor prior to start of works, the Statement had forecast that this impact, under a worst-case scenario for construction, would “not be environmentally worse”. The Agency explained that this approach had been applied successfully on other infrastructure projects to ensure that the actual effects incurred were not worse than those reported in the Statement. A community Liaison officer will be appointed by the contractor to liaise with local authorities and the public about the scheme; to take action when there are problems and to deal with any complaints. The Secretary of State considers this approach provides a satisfactory safeguard in respect of construction impacts.



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17. There was also some concern about the impact of construction work on the local road network. In response, the Agency undertook to continue to work closely with the two local highway authorities within whose area this scheme falls, and to implement measures to reduce possible disruption. In addition, there was some concern that the impact on the local road network would extend beyond the opening of the scheme. However, the Agency explained that the change in traffic volumes after the scheme was completed would be relatively small because the existing motorway junctions were already congested at peak times. In weighing-up these issues, the Secretary of State considers it significant that neither of the two local highway authorities had objected to the proposal. She is satisfied that the Statement properly identifies, and has assessed correctly, the construction impact of the proposal.

JUSTIFICATION FOR THE SCHEME

18. A number of respondents asserted that the scheme was not needed. In particular, some respondents argued that there could be no justification for the adverse environmental effects of the scheme because the M1 Multi-Modal Study (MMS) had demonstrated widening would only be effective as part of the wider package of measures as recommended by the MMS. The Secretary of State accepts that the MMS recommended that a number of other interventions should be developed alongside the widening of the motorway. However, the MMS also recognised that widening of the M1 was necessary to manage traffic in any event and the then Secretary of State took this into account when reaching his decision to ask the Agency to prepare a scheme to widen the motorway in order to address the congestion problems



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currently being experienced. Accordingly, the Secretary of State is satisfied that the scheme is needed and is consistent with the MMS.

THE SECRETARY OF STATE'S DECISION

19. The Secretary of State is satisfied that the requirements of European Directive No 85/337/EEC, as amended by Directive No 97/11/EC, implemented by sections 105A and 105B of the Highways Act 1980, have been complied with fully in respect of the proposed scheme. She is also satisfied that the Environmental Impact Assessment undertaken for the scheme and the published Statement have properly identified, assessed and addressed all the significant environmental effects of the scheme. She is also satisfied that adequate publicity was given to the proposals and that members of the public and others have been given adequate opportunity to express their opinion before deciding to proceed with the scheme. Therefore, having considered the Statement and any opinions on that Statement expressed by the public and others, the Secretary of State has decided, for the reasons he gives in paragraphs 5 to 18 above, that the scheme for which the environmental assessment refers, should proceed.

NEXT STEPS

20. The Highways Agency will publish, as soon possible, the date they intend to commence work on site, together with the name, address and telephone number of the contractor who will supervise construction, and be the focal point for all enquiries about the works.



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COMPENSATION

21. Residential owners and occupiers may submit a claim for compensation under Part 1 of the Land Compensation Act 1973 after one year from when the new, widened road is first opened to public traffic after completion, where traffic noise or other specified physical effects from the use of the new carriageway, has caused depreciation in the value of their properties. Information on how claims should be made will be published in local newspapers and advertised locally at the appropriate time.

AVAILABILITY OF DOCUMENTS

22. A copy of this letter has been sent to those organisations and individuals who submitted written opinions on the proposed scheme and published Statement. Additional copies of this letter are available free on request to the Government Office for the East Midlands, Transport Policy Team, The Belgrave Centre, Stanley Place, Talbot Street, Nottingham, NG1 5GG (telephone no. 0115 971 2524).

23. A copy of the Statement and the written opinions received may be inspected during office hours at the offices of the Highways Agency, Major Projects National M6/M1 North Team Broadway C8, 5 Broad Street, Birmingham, B15 1BL.



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Yours faithfully

A handwritten signature in black ink, appearing to read 'Will Wiseman', with a long horizontal flourish extending to the right.

Will Wiseman



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APPENDIX A

LIST OF ENVIRONMENTAL STATEMENT DEPOSIT POINTS

Highways Agency,
5 Broadway, Broad Street, Birmingham, B15 1BL

Nottingham City Council, The Guildhall, South Sherwood Street, Nottingham,
NG1 4BT

Broxtowe Borough Council, Foster Avenue, Beeston, Nottinghamshire,
NG9 1AB

North West Leicestershire District Council, Council Office, Coalville,
Leicestershire, LE67 3FJ

Derby City Council, Roman House, Friar Gate, Derby, DE1 1XB

Erewash District Council, Merlin House, Merlin Way, Ilkeston, Derbyshire,
DE7 4RA

Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire,
DE5 3BT

Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottinghamshire,
NG17 8DA

Nottinghamshire County Council, Trent Bridge House, Fox Road, West
Bridgford, Nottingham, NG6 2BJ



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Kimberley Library, Main Street, Kimberley, Nottingham, NG16 2LY

Hucknall Library, South Street, Hucknall, Nottingham, NG15 7BS

Annesley Woodhouse Library, Church Hall, Skegby Road, Annesley Woodhouse, Kirkby in Ashfield

Jacksdale Library, Selston Road, Jacksdale, Nottingham, NG16 5LF

Beeston Library, Foster Avenue, Beeston, Nottingham, NG9 1AE

Central Nottingham Library, Angel Row, Nottingham, NG1 6HP

Stapleford Library, Church Street, Stapleford, Nottingham, NG9 8GA

Alfreton Library, Severn Square, Alfreton, Derbyshire, DE55 7BQ



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APPENDIX B

LIST OF ENVIRONMENTAL STATEMENT EXHIBITIONS

Long Eaton Town Hall, Derby Road, Long Eaton, NG10 1HU : 30 March 2006
and 31 March 2006.

Nuthall Temple Centre, Nottingham Road, Nuthall, NG16 1DP : 5 April 2006

Kirby Muxloe Village Hall, Station Road, Kirby Muxloe, LE9 2EJ : 7 April 2006

Kegworth Village Hall, Nottingham Road, Kegworth, NG11 0HE : 8 April 2006

Selston Parish Hall, Mansfield Road, Selston, Nottingham, NG16 6EE :
12 April 2006

Bolsover, Hillstown Community Centre, Nesbit Street, Hillstown, Derbyshire,
S44 6LW; 10th April 2006

Leicester Forest East, Leicester Forest East Parish Hall, Kings Drive,
Leicester Forest East, LE3 3JE; 22 May 2006.