

A5-M1 Link (Dunstable Northern Bypass)

Public Inquiry

Outline Statement of Case

November 2011

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Acronyms

AADT	Annual Average Daily Traffic (24 hour, two-way flow in vehicles)
ATM	Active Traffic Management
BCC	Bedfordshire County Council
CBC	Central Bedfordshire Council
COSA	Common, Public Open Space or Fuel and/or Field Garden Allotment
CPO	Compulsory Purchase Order
CWS	County Wildlife Site
BCR	Benefit Cost Ratio
ECI	Early Contractor Involvement
EoERA	East of England Regional Assembly
ES	Environmental Statement
GAF	Growth Area Funding
HA	Highways Agency
HGV	Heavy Goods Vehicle
KSI	Killed or Seriously Injured
LBC	Luton Borough Council
LIH	Land Improvement Holdings
LSMMMS	London to South Midlands Multi-Modal Study
NMU	Non-Motorised User
PI	Public Inquiry
PIC	Personal Injury Collision
PMA	Private Means of Access
PRoW	Public Rights of Way
SAM	Scheduled Ancient Monument
SI	Statutory Instrument
SR	Spending Review
SSSI	Site of Special Scientific Interest
TPI	Targeted Programme of Improvements

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OUTLINE STATEMENT OF CASE

1. INTRODUCTION

- 1.1 This Outline Statement of Case replaces the version that was published on 13 May 2010 prior to the postponement on 10 June 2010 of the Public Inquiry (PI) pending the results of the 2010 Spending Review (SR) (see paragraph 2.16).
- 1.2 On 9 December 2009, the Secretary of State for Transport published draft Orders for a proposed new dual carriageway from the existing A5 north of the A505 roundabout to a new junction on the M1 Motorway southeast of Chalton. The new route is within the unitary authority of Central Bedfordshire Council (CBC).
- 1.3 On 22 September 2011, the Secretary of State for Transport published a notice of his intention to hold concurrent local inquiries (the PI), to consider objections and representations to the draft Orders.
- 1.4 This document is the Outline Statement of Case. It contains the principal submissions which the Highways Agency (HA) will present on behalf of the Secretary of State for Transport to the PI in respect of the A5-M1 Link Scheme and includes a description of the proposals.

- 1.5 The Outline Statement of Case is published pursuant to Rule 5(4) of the Highways (Inquiries Procedure) Rules 1994 (S.I.1994/No.3263) (the “1994” rules) and Rule 5(2) of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I.2007/ No. 3617) (the “2007 rules”) and describes the case that will be presented by the Highways Agency, on behalf of the Secretary of State for Transport, to the PI in relation to the draft Orders published on 9 December 2009.
- 1.6 A full Statement of Case, pursuant to Rule 6 of the 1994 Rules, and Rule 7 of the 2007 Rules referred to in paragraph 1.5 above, will be issued later. This will contain full particulars of the case, which the Secretary of State proposes to put forward at the Inquiries, and a list of documents that may be referred to in evidence at the PI.

2. TRUNK ROADS AND GOVERNMENT POLICIES

The Trunk Road Network

- 2.1 The Secretary of State has a statutory obligation to keep under review the national system of routes for through traffic in England and Wales. The Highways Act 1980 defines the procedures to be followed when the Secretary of State proposes to carry out improvements to a road within this trunk road network.
- 2.2 The trunk road network in England comprises over 4,300 miles/6920 kilometres of roads including motorways. Although the network of trunk roads represents 3% of the total length of roads in England it carries about a third of all traffic and around two thirds of large goods vehicle traffic.

Transport Policy Statement Historical and Current

- 2.3 There have been a number of transport policies that have underpinned the background and development of the A5-M1 Link. Those policies relating to the previous and current government are set out in the following paragraphs.

Historical

- 2.4 The trunk road programme was developed within the policy framework set out in the July 1998 White Paper, 'A New Deal for Transport: Better for Everyone'. The 1998 White Paper, in Chapter 1: "*a new approach, a new deal for transport*", introduced a new integrated transport policy, which aimed to achieve:

- a) integration within and between different types of transport – so that each contributes its full potential and people can move easily between them;
- b) integration with the environment – so that transport choices support a better environment;
- c) integration with land use planning – at national, regional and local level, so that transport and planning work together to support more sustainable travel choices and reduce the need to travel; and
- d) integration with policies for education, health and wealth creation – so that transport helps to make a fairer, more inclusive society.

2.5 In Chapter 3: “*making better use of trunk roads*”, The 1998 White Paper identified the following key functions for trunk roads:

- a) linking main centres of population and economic activity;
- b) access to major ports, airports and rail termini;
- c) access to peripheral regions to the centre;
- d) providing key cross-border routes to Scotland and Wales; and
- e) classification as part of the UK Trans-European Road Network.

2.6 On the basis of these criteria the White Paper established a core trunk road network of nationally important routes in England. After consultation with the Local Government Association, the Highways Agency confirmed in April 1999 that responsibility for the remaining non-core trunk roads (approximately 3200km, accounting for about

30% of the trunk road network) would be transferred to local highway authorities. The A5 through Dunstable was classified as part of the core trunk road network.

2.7 'A New Deal for Trunk Roads in England' (also published in July 1998), a daughter document to the 1998 Transport White Paper, set out Government Policy specifically in relation to trunk roads. This established, in its Section 7.4, the Targeted Programme of Improvements (TPI), replacing the National Trunk Road Improvement Programme, as a carefully targeted programme to address the most serious and pressing problems on the strategic road network.

2.8 'A New Deal for Trunk Roads in England' included the results of a strategic review of all the trunk road schemes, which were then in the National Programme. Each scheme was assessed against the Government's objectives for the environment, safety, economy, accessibility and integration. The Review identified 37 schemes, which were carried forward under the Targeted Programme. A number of other schemes were remitted for further consideration through a series of Multi-Modal and Road-Based Studies. The London and South Midlands Multi-Modal Study recommended that a scheme to widen the M1 motorway between Junctions 10 and 13, and an associated scheme to provide an A5-M1 Link Road (Dunstable Northern Bypass) be taken forward. On 9 July 2003 the Secretary of State announced that these 2 schemes would proceed as part of the TPI.

2.9 The July 2004 White Paper, 'The Future of Transport: a Network for 2030', set out revised spending figures for the Department for Transport up to 2007/08 and longer term funding guidelines up to 2014/15.

2.10 The previous Government's long term strategy for the transport network was set out in the July 2004 White Paper, 'The Future of Transport: a Network for 2030'. The strategy charted a course over the next 30 years for improving the transport system by sustained investment, improvements in the management of the transport network and planning ahead to address projected pressures on the transport system over the longer term. In section 12 of the Executive Summary to the 2004 White Paper, the following policy measures are stated, which provided the basis for delivering enhancements to the road network:

- a) new capacity where it is needed, assuming that any environmental and social costs are justified;
- b) locking-in the benefits of new capacity through various measures including some tolling and carpool lanes where appropriate;
- c) better management exploiting the potential of new technology to avoid problems and deal with them rapidly if they occur; and
- d) using new technology to keep people informed both before and during their journey.

2.11 The programme of trunk road improvements taken forward at that time contributed to the first of the policy measures listed above - providing new capacity where it is needed, subject to such schemes being justified, taking account of social and environmental costs as well as their economic costs and benefits.

2.12 Following the recommendations of the 'Review of Highways Agency's Major Roads Programme' published in March 2007 (The Nichols Report), the TPI was replaced by the Programme of Major Schemes. This reflected a restructured approach to funding and managing the roads programme and introduced three phases in the development of a project: options, development and construction. The widening of the M1 motorway between Junctions 10 and 13 and the associated scheme to provide an A5-M1 Link Road (Dunstable Northern Bypass) were both included in the Programme of Major Schemes.

2.13 The A5-M1 Link (Dunstable Northern Bypass) was previously a regional scheme that would have required approval and funding from the East of England Regional Assembly (EoERA).

2.14 Ministers announced in 2010 their intention to abolish regional government and so all Highways Agency Major Projects, formerly regional or national, were considered together to form a single programme.

Spending Review 2010

2.15 The Spending Review (SR) is a Treasury-led process to allocate resources across all government departments, according to the Government's priorities. Spending Reviews set firm and fixed spending budgets over several years for each department. It is then up to departments to decide how best to manage and distribute this spending within their areas of responsibility.

2.16 The Spending Review 2010 covers the four financial years from 2011-12 to 2014-15. The Chancellor of the Exchequer announced the results of the Spending Review 2010 on 20 October 2010.

Current Policy

Investment In Highways Transport Schemes

2.17 As part of the SR, the Coalition Government looked to identify those schemes that offered the best investment. All major road schemes on the strategic road network were assessed against four broad criteria;

- public value for money;
- strategic value;
- deliverability; and
- non-monetised impacts.

2.18 The overall result of the prioritisation exercise was to ensure that the best value schemes were chosen to start in the period up to 2015.

- 2.19 In October 2010, the Department for Transport published its paper 'Investment in Highways Transport Schemes'. This paper sets out DfT's policy in terms of developing a programme of road schemes.
- 2.20 As part of the SR, the HA identified four key areas in which it could reduce spending to support the delivery of more infrastructure over the spending review period. On major projects, these savings were expected to come through a range of measures including certainty of forward work programme, value engineering and efficiencies in the use of materials, labour and equipment.
- 2.21 On the basis of these anticipated efficiency savings, the Secretary of State for Transport announced in October 2010 that the Highways Agency expected to be able to start construction of 14 schemes in the period up to 2015, subject to the outcome of statutory processes.
- 2.22 A further 14 schemes were identified for construction in future spending review periods and the A5-M1 Link is one of these schemes.
- 2.23 Subsequent to the SR announcement, the Secretary of State agreed that, subject to an appropriate agreement with developers in relation to a proposed £50m local contribution (see paragraph 4.16), the PI would be re-started as soon as possible with an estimated start of works on site in late 2014.

Department for Transport Business Plan 2011 – 2015

- 2.24 The Department for Transport published its Business Plan in May 2011. In Section A, the plan defines the Government's vision for a future transport system i.e. "Our vision is for a transport system that is an engine for economic growth but one that is also greener and safer and improves quality of life in our communities. By improving the links that help to move goods and people around, and by targeting investment in new projects that promote green growth, we can help to build the balanced, dynamic and low-carbon economy that is essential for our future prosperity."
- 2.25 The Business Plan sets out the Government's priorities in terms of achieving a sustainable transport system and a programme for achieving this.
- 2.26 The Published Scheme is consistent with national and other planning policies and has the support of the local authorities

3. EXISTING CONDITIONS

- 3.1 The A5 is a heavily trafficked route particularly where it passes through the urban area of Dunstable. It is part of the previously defined strategic London to Holyhead route which has been replaced by the M1 and M6 from the capital through the West Midlands. Use of this portion of the A5 results in unreliable journey times, poor road safety and environmental concerns.
- 3.2 The A5 is known as Watling Street and its history can be traced back to the Roman times. The existing A5 between the Little Brickhill bypass in the north and M1 Junction 9 in the south is generally a single carriageway with widening at junctions and roundabout locations. There are numerous accesses and pedestrian crossings of the road, which are particularly concentrated on that length of the road through Dunstable. Although there have been improvements to the route over the years, many of the existing characteristics do not meet current design standards.
- 3.3 Data for 2010 indicate that journey times are highly variable along the 17.52km section between the A5/A4012 junction in the north and M1 Junction 9 in the south. The average journey times on normal working weekdays vary from 19 minutes in the off peak period (average speed of 55 km/hour) to 32 minutes (average speed of 33 km/hour) in the main direction of flow in the peak periods (i.e. southbound in the AM peak and northbound in the PM peak). Movement is constrained by

signal controlled junctions and numerous pedestrian signals. Additional delays are the result of stopping buses and loading vehicles.

3.4 The A5 through Dunstable (between its junctions with the A505 north of and within Dunstable) carries an Annual Average Daily Traffic (AADT) flow of 21,000 vehicles (2005 base model), 9% of which are HGVs. The forecast AADT flow in on this section of the A5 in 2016, after the opening of the M1 Junction 10 to 13 Improvement Scheme in 2013, but without the Published Scheme is 18,100 vehicles of which 9% would be HGV's.

3.5 The A505 between the A5 and M1 Junction 11 carries an AADT flow of 24,300 vehicles (2005 base model), of which 6% are HGVs. The forecast AADT on this section of the A505 in 2016, after the opening of the M1 Junction 10 to 13 Improvement Scheme in 2013, but without the Published Scheme is 23,100 vehicles of which 5% Improvement Scheme would be HGV's.

3.6 Increased flow volumes on Dunstable High Street in future (after 2016) would have adverse environmental effects, including increased pollution from standing vehicles, and would also exacerbate driver stress. Increased pollution would impact on the existing Dunstable Air Quality Management Area which includes elements of the A5 Dunstable High Street and the A505 (from the A5 towards Junction 11).

- 3.7 The accident rates for the A5 along Dunstable High Street are 1.40 accidents per million vehicle kilometres in the north and 1.35 in the south. These are significantly higher than the national average rate of 0.79 for an older Urban-standard two lane road.
- 3.8 The route is heavily used and any maintenance activities which are undertaken result in delays and disruption to the travelling public.

4. SCHEME HISTORY

- 4.1 The objective of reducing traffic impacts in the centre of Dunstable has been considered previously. Bedfordshire County Council (BCC) originally designed the preliminary alignment of the route for the A5-M1 Link in 1988 as part of the A5-M1-A6 Luton Northern Bypass. The Route (BCC scheme) was then protected to form part of the East-West Strategic Route but was withdrawn by the 1994 Trunk Road Review. In 1996, following a review of the highway strategy in the Luton - Dunstable area, the route was reinstated to form part of the county's outer relief strategy for the Luton - Dunstable area and was subsequently integrated into the Bedfordshire Structure Plan 2011 (adopted March 1997).
- 4.2 In 1990 an A5 north-south bypass for Dunstable was put forward to the then Department of Transport with designs carried out by Kennedy Henderson (now Parsons Brinckerhoff). Public consultations on the Department's options were undertaken in 1988 and 1990 and the preferred route for the Dunstable Eastern Bypass, in the Boscombe Road corridor, was announced in July 1995. Work on the Eastern Bypass was suspended in 1996. The Dunstable Eastern Bypass was also the subject of a Planning Conference in Autumn 1999 and has not been reinstated.

4.3 In summer 2002, the Highways Agency commissioned consultants to carry out a Stage 1 assessment of the options proposed for the A5 – M1 Link, which was subsequently updated to Stage 1 – 2 level by additional ecological and environmental surveys. In February 2003 the London and South Midlands Multi Modal Study (LSMMMS) recommended that the A5 – M1 Link (Dunstable Northern Bypass) should be considered as the most appropriate means of bypassing Dunstable and providing access to the M1.

4.4 In July 2003 the Scheme for the A5-M1 Link (Dunstable Northern Bypass) was entered into the Government's Targeted Programme of Improvements (TPI). The consultants were then commissioned to undertake sufficient assessment work to enable the Secretary of State for Transport to make a decision on a Preferred Route Announcement for the Scheme.

4.5 A range of corridor options for the A5-M1 Link were under consideration. These options were:

- A corridor running close to Houghton Regis, passing between the Houghton Regis sewage works and Thorn Road and following the line of the protected route shown in the South Bedfordshire Local Plan. This is referred to as the Southern Route (Appendix 1).
- An alternative corridor running further north of Houghton Regis, close to the line of electricity pylons north of Thorn Road and

close to the Chalton Ridge. This corridor was developed because it has a slightly reduced impact on existing property and on the Ouzel Brook than the Southern Route. This is referred to as the Northern Route (Appendix 1).

- 4.6 These options, in association with options for local road connections at the A5120 and Junction 11A, were presented at a Public Consultation in September 2005. These options included a strategic route direct from the A5 to the M1 with no local connections, local connections at Junction 11A and provision of local access at the A5120, located some 2.5 kilometres to the west. The public consultation was to assess the public's views on improvements to the network.
- 4.7 In parallel with the Statutory Process, in September 2005 the Highways Agency awarded a contract for the development of the project under a full Early Contractor Involvement ("ECI") commission
- 4.8 Following the public consultation, a balance was struck between the public desire for local connections, the feasibility of providing them in a manner which would be operationally acceptable and policy in regard to connections to the strategic network.
- 4.9 The Secretary of State announced the Northern Route as the Preferred Route for the A5-M1 Link on 23 February 2007. No local connections

would be provided at Junction 11A but a local connection would be made available on the A5-M1 Link via a junction with the A5120.

4.10 As part of the design evolution of the scheme, changes to the scheme were made after the Preferred Route Announcement. A key difference between the Northern route consulted upon and the Preferred Route was the revised arrangement at the western end of the scheme. This comprised removing the realignment of the A505 Leighton Linlade Bypass west of the existing A5 (Appendix 2) and realigning the Link Road further north, to just south of the line of electricity pylons to join the A5 at a new roundabout junction.

4.11 A Public Information Exhibition took place in mid October 2007 to present to the public the changes that had been made to the Northern Route (now the Preferred Route) since the previous Public Consultation. This took place in Chalton Village Hall.

4.12 Whilst the preliminary design and environmental assessment of the A5-M1 Link was being undertaken, the local planning authorities were consulting on the draft Local Development Framework. Accordingly, the decision was taken by DfT to present a scheme in the draft Orders with the following constraints:

- The new M1 Junction 11A must be capable of easy modification to facilitate the preferred route for the proposed Luton Northern Bypass which is a local authority road.

- The new M1 Junction 11A should not preclude the preferred route for the proposed Woodside Link which is a local authority road.

4.13 However, the Highways Agency is of the view that the form and alignment of any local connections to M1 Junction 11A should be promoted by the Local Highway Authorities – Central Bedfordshire Council (CBC) and Luton Borough Council (LBC). This will ensure that any connections will be in an optimum position to serve existing communities, will meet the requirements of future development and will be constructed at a time that best suits planned usage and available funding.

4.14 There were also proposals to improve the capacity of the existing M1 Motorway between Junctions 10 and 13 as part of a separate scheme. At the time of the Preferred Route Announcement for the A5-M1 Link, widening to four lanes was envisaged. Following the successful trial of Managed Motorway methods on the M42 motorway, the HA carried out a study in 2008 on this section of the M1 to determine whether the implementation of these techniques would be an appropriate solution for increasing the capacity. The system used on the M42 is known as Active Traffic Management (“ATM”). The ATM system allows vehicles to use the hard shoulder as an additional lane during periods of high flow demand, and is also known as Hard Shoulder Running (“HSR”). The implementation of HSR on the M1 is currently underway (including

improvements to Junctions 11 and 12), having started construction in December 2009 and is due for completion in 2013.

- 4.15 Draft Orders and an Environmental Statement for the A5-M1 Link, taking due account of the M1 HSR and Junctions Improvement scheme, were prepared and published on 9 December 2009.

Developer and Local Authority contribution to the Scheme

- 4.16 Following the announcement in June 2010 that the PI was to be postponed, CBC and one of the developers (Lands Improvement Holdings (LIH)), wrote to the Secretary of State offering a total contribution of £50m (£5m from CBC from their Growth Area Funding (GAF), and £45m from the developer) towards scheme costs. However the Secretary of State for Transport decided it would not be appropriate to go ahead with the PI, irrespective of whether funding was coming from sources other than central funding, due to future funding uncertainties pending the results of the SR.

- 4.17 Subsequent to the spending review announcement, the Secretary of State agreed that, subject to an appropriate agreement CBC and the developer in relation to the proposed £50m local contribution, the PI would be re-started as soon as possible with an estimated start of works on site in late 2014.

4.18 Agreements with CBC and the developer consortium (Landmatch Limited, Friends Life Company Limited and LIH) are now signed and in place under Section 274 and 278 of the Highways Act.

4.19 The Secretary of State for Transport, therefore, announced the re-start of the PI process on 22 September 2011.

5 PUBLISHED SCHEME

- 5.1 The Published Scheme would be an all-purpose dual two-lane carriageway with a total length of 4.5 km creating a new link between the A5 (western end) and the M1 (eastern end). The scheme would be constructed in a rural setting, north of the urban fringe of Dunstable and Houghton Regis and requires land purchase for its construction.
- 5.2 The start of the Published Scheme would be on the existing A5 that runs in a northwest to southeast direction between Milton Keynes and Dunstable. At the location of the tie-in, immediately north of the present junction with Thorn Road, the A5 is a wide (9.3 metres) single carriageway in a rural setting. The Published Scheme would connect to the existing A5 at an at-grade roundabout located at the east side of the existing road.
- 5.3 Between the A5 and the A5120, the Published Scheme would pass to the north of Thorn Farm and Oakwell Park but would remain south of the National Grid 400 kV overhead power line network. The horizontal alignment would consist of a right hand curve. The vertical alignment would rise on a 0.5% gradient, which would result in the route being on a low embankment. East of the Icknield Way, the vertical alignment would change to a downward slope. This would mean that the Published Scheme would pass into shallow cut before connecting to the A5120 at the existing ground level.

- 5.4 This section of the Published Scheme would terminate with an at-grade roundabout located at the west side of the existing A5120. The A5120 is a local county road that connects the village of Toddington to the north and Houghton Regis to the south. Further south, the A5120 joins the A5 in Dunstable. The A5120 would be re-aligned to connect to the proposed roundabout with a signalised pedestrian/cyclist/equestrian crossing provided on the Toddington arm of the roundabout.
- 5.5 East of the existing A5120, the Published Scheme would pass to the north of Calcutt Lodge and to the south of Grove Farm remaining on the north side of the principal watercourse in the area, Ouzel Brook. The horizontal alignment of the Published Scheme would still be on a right hand curve before it would continue eastwards on a straight. The eastern end of the Published Scheme would be on the northern side of the Ouzel Brook valley below the ridge line south of Chalton.
- 5.6 The Published Scheme would rise from a low point to the east of the A5120 to Junction 11A. East of the A5120, there would be a low embankment before the route would pass into a cutting with a maximum depth of approximately 7 metres. After emerging from the cutting, the Published Scheme would rise on low embankment to enable it to pass over the existing M1 to form Junction 11A.
- 5.7 Junction 11A of the Published Scheme would be in the form of a grade separated dumb bell junction and this would provide access in all

directions to the existing M1 motorway. The junction would include a new bridge over the motorway.

5.8 The Published Scheme would interface with a number of existing roads. The connections to the A5, A5120 and the M1 are described in paragraphs 5.1 to 5.7 above. Thorn Road would connect to the proposed A5 roundabout, maintaining easy access to properties. At the eastern end of the Published Scheme, Sundon Road and Luton Road would be diverted. The former would pass over the dual carriageway on an overbridge whose alignment is immediately to the west of the existing road.

5.9 Luton Road would be re-aligned to the east of the proposed Junction 11A and then pass over the motorway. The extent of realignment would be from adjacent to the Vauxhall Works to the edge of Chalton village. It would include two roundabouts enabling Sundon Road, on both sides of the motorway, to be re-connected to the local road network.

5.10 The existing B579 Luton and Sundon Road M1 overbridges would be demolished and replaced with a single new overbridge to link the abovementioned two new local road roundabouts. Five residential properties, (the four cottages located on Luton Road and Chalton Cross Lodge) would also need to be demolished.

5.11 Other bridges would be provided at a number of locations as part of the Published Scheme for the functions outlined below:

- Thorn Farm: pedestrians and farm access;
- Icknield Way: pedestrians and cyclists access;
- Grove Farm: pedestrians, equestrians and farm access; and
- Chalton/Houghton Regis (FP23); pedestrians access.

5.12 Environmental mitigation measures included in the Published Scheme would include:

- earth bunds to provide visual screen and noise barriers, in conjunction with landscaping of earthworks and planting of trees and hedgerows;
- mitigation for protected species, including badgers and bats;
- creation of new areas of habitat to replace those lost to the Scheme;
- mitigation for cultural heritage in the form of further archaeological surveys and investigation works;
- the provision of noise fences and a low noise surface to the new road: and
- inclusion of pollution control and water treatment features.

5.13 The Published Scheme would impact on 14 public rights of way (PRoW), including footpaths, bridleways and a Byway Open to All Traffic.

5.14 The draft Side Road Orders require that no stopping up order shall be made unless either a reasonably convenient route is available or will be provided before the highway is stopped up.

- 5.15 The general approach to the Non Motorised User (NMU) routes has been to keep as much of the existing network intact as possible. Where this was not possible reasonably convenient diversions would be provided with due regard to distance to be travelled and the safety of alternatives.
- 5.16 The realigned local roads at the eastern end of the Published Scheme would have improved facilities for non motorised users in their verges. The provisions would also improve access across the motorway and between Chalton and Houghton Regis.
- 5.17 Where a highway or Private Means of Access (PMA) is stopped up and a reasonably convenient alternative is not already available, a reasonably convenient alternative route or access would be provided.

6. DRAFT ORDERS

6.1 To construct the A5-M1 Link and carry out associated works, the following Orders are required:-

- **The M1 Motorway (A5-M1 Link Dunstable Northern Bypass Connecting Roads) Scheme 20.** - under sections 16, 17 and 19 of the Highways Act 1980, which would authorise the new slip roads to be constructed connecting the motorway with the local roads network at Junction 11A.
- **The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Side Roads Order No. 1. 20 and No. 2. 20** – under sections 12, 14 and 125 of the Highways Act 1980 These orders provide for roads, accesses and PRowS adjoining or crossing the trunk road to be altered or diverted as necessary.
- **The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Order 20.** - under sections 10 and 41 of the Highways Act 1980. This provides that the roads which the Secretary of State proposes to construct along the routes described in the Order shall become trunk roads from the date when the Order comes into force.
- **The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) (Detrunking) Order 20.** - under sections 10 of the Highways Act 1980. This provides that the lengths of the trunk road to be superseded by the new trunk road shall cease to be trunk road. They shall be re-classified as classified roads, as from the date on which the new trunk road on the main route is open for traffic. The Secretary of State notifies CBC and Hertfordshire County Council of the date they will become the highway authority responsible for those lengths.

- **The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No. 1 (HA No.) 20. and No. 2 (HA No.) 20..** – published under sections 239, 240, and 246 of the Highways Act 1980, as extended and supplemented by section 250 of that Act, and section 2 of the Acquisition of Land Act 1981. These orders would authorise the compulsory acquisition of all the land needed to construct the new junction, all connecting roads and all new and altered side roads and all new private means of access as provided by the above mentioned Scheme and draft Side Roads Orders.

- **Notice of Intention to issue a certificate under Section 19 of the Acquisition of Land Act 1981** – this allows for development to take place in an area designated as Public Open Space without the need to provide Exchange land. The certificate is required in connection with the draft Compulsory Purchase Order (CPO) No. 2. Within the draft Compulsory Purchase Order (CPO) No.2, there are three areas of land which fall within an area designated as Public Open Space by Luton Borough Council. These areas amount to a total of 196 square metres, and are required for either a private means of access or for working space to construct the private means of access.

- Exchange land does not need to be provided for the acquisition of title to Common, public Open Space or fuel and/or field garden Allotment (COSA) required for the scheme, if the Secretary of State for Communities and Local Government and the Secretary of State for Transport are satisfied that the area does not exceed 209 square metres or it is required for widening or drainage of an existing highway or partly for widening and partly for drainage of such a highway and that the giving of exchange land is unnecessary, whether in the interest of the persons, if any, entitled to rights of common or other rights or in the interest of the public. A Certificate must be obtained to confirm this.

7. THE LOCAL ENVIRONMENT AND MITIGATION PROPOSALS

- 7.1 The Published Scheme has been designed to take account of important environmental issues, whilst considering other factors such as road safety, the built environment, engineering and cost. In developing the design of the scheme and mitigation measures, consultations have taken place with statutory bodies including the Environment Agency, Natural England and English Heritage, Central Bedfordshire Council, Luton Borough Council, District and Parish Councils, and other important parties including land owners and interest groups.
- 7.2 Surveys have been carried out to identify areas of importance for landscape, ecology and cultural heritage. The Published Scheme has been designed to avoid known sensitive areas where possible. Only the setting of one statutory international, national or local designated site would be directly affected by the scheme: Thorn Spring Ancient Monument. There are two sites of national nature conservation interest (Sites of Special Scientific Interest (SSSI)) in the vicinity of the route, namely Houghton Regis Chalk Pit and Sundon Chalk Quarry. In addition, five County Wildlife Sites (CWS) are close to the route, namely Thorn Spring, Chalton Scrub and Grassland, Sundon Chalk Quarry, River Flit and Leagrave Common.
- 7.3 The Published Scheme would not affect the Chiltern Areas of Outstanding Natural Beauty (AONB) or any Conservation Areas.

7.4 The Published Scheme would pass close to the Thorn Spring Scheduled Monument and the setting of this nationally important monument has been an important consideration. The Published Scheme has been assessed as having a slight adverse impact on this monument and its setting.

7.5 As a result of surveys carried out, a further eight areas of archaeological interest have been identified along the route (see paragraph 7.7 for design considerations).

7.6 Three undesignated historic buildings located close to the Published Scheme alignment would experience visual and setting impacts. In addition the two existing local road overbridges over the M1 Motorway are also undesignated historic buildings. These are required to be demolished to facilitate the construction of the proposed Junction 11A.

7.7 The Published Scheme has been designed to:-

- (i) avoid areas of known sensitive ecological, archaeological and landscape features, where possible;
- (ii) reduce any visual impact by the appropriate use of woodland and hedgerow planting as screening;
- (iii) provide a substantial landscaping scheme including new hedges, woodland planting and species-rich grassland to integrate the scheme into the landscape and also minimise the impact on the landscape;
- (iv) provide a low noise road surface on the proposed dual carriageway; and noise barriers and bunds at appropriate locations;

- (v) minimise the need to transport materials to or from the site by local roads by using a temporary access/egress from the M1;
- (vi) provide or maintain farm accesses to maintain agricultural operations and where not possible provide alternative routes;
- (vii) minimise the loss of the undisturbed agricultural land resource but also maximise the use of land that would otherwise be sterilised by the Scheme by having no or limited possibilities for vehicular access
- (viii) create habitats for badger, amphibians and invertebrates;
- (ix) provide for the loss of agricultural land that supports scarce arable flora through the provision of other ecologically beneficial types of habitat within the Published Scheme;
- (x) provide pollution and flood control measures at the drainage outfalls. Protect water resources; and
- (xi) provide new routes and safe crossing points for walkers, cyclists and equestrians.

8. ASSESSMENT OF PERFORMANCE AGAINST TRANSPORT OBJECTIVES

Value for Money

8.1 The Published Scheme would open in late 2016 and would provide transport benefits to road users. In 2002 market prices (discounted to a 2002 present value year, which is the standard units of accounting for transport economic assessments) the Published Scheme would provide a present value of benefits of £471 million against a present value of costs of £87 million. This gives a net present value (NPV) of £384 million with a benefit to cost ratio (BCR) of 5.4. The Published Scheme will deliver positive transport economic benefits.

Transport and Safety

8.2 The Published Scheme would be designed to current standards with appropriate operational capacity. The improvements in the standard of the route and the overall reduction of through trips from Dunstable and other local roads are expected to result in 1,249 fewer personal injury collisions, including 299 killed or seriously injured casualties, for the core scenario traffic forecasts and over the 60-year appraisal period. Improved crossing facilities of the M1 for non-motorised users and the provision of the signalised crossing for pedestrians, cyclists and equestrians across the A5120 will contribute to safety also.

Environment

- 8.3 A number of alternatives have been considered in arriving at the Published Scheme and environmental considerations were an important factor.
- 8.4 Adverse impacts on the environment have been avoided where possible but some remain. These would be mitigated, for example by landscape planting and habitat creation. The assessment of the scheme with regard to environmental objectives will be addressed in more detail in the specialist Proofs of Evidence when published.
- 8.5 Noise changes resulting from the operation of the Scheme would be generally negligible with a small number of properties in the Published Scheme corridor experiencing minor or moderate noise changes.
- 8.6 The A5-M1 Link mainline would be constructed with a low noise surface and barriers would be provided to reduce traffic noise for local residents.
- 8.7 Overall the scheme would lead to a very small decrease in Carbon Dioxide emissions, compared to the case if the scheme did not proceed.
- 8.8 Other mitigation measures for scheme impacts are set out in the published Environmental Statement. With the mitigation measures in place, the Published Scheme would not result in any major adverse

impacts on the environment. While the scheme would have a moderate adverse impact upon landscape and a slight adverse impact on cultural heritage and ecology, it would have a beneficial impact on townscape and users of the highway and public rights of way network. Other environmental impacts are assessed as neutral.

Economy

8.9 The Published Scheme supports policies for the economic development of the Luton and mid-Bedfordshire areas, by improving access through reduction in congestion. Relief of through trip demands on the A5 and improvements to road safety would improve the reliability of journey times for local trips and particularly those trips accessing the M1 motorway.

Accessibility

8.10 The reduction in traffic flows afforded by the scheme on the A5 through Dunstable would improve access to the town for all road users. Crossings of the new road would be created for walkers and cyclists and the bridleway network would be extended. One currently used Public Right of Way would be closed but would be replaced by footway provision. Other Public Rights of Way would be diverted leading to an increased journey distance.

Integration

- 8.11 The proposals are consistent with national and other planning policies. The scheme is an example of an improvement targeted to address a serious problem on the trunk road network.

Social Costs

- 8.12 Transport schemes have a role to play in the local economy, having the potential to generate new jobs or improve access to existing jobs, with the consequent impact on economic activity. The Published Scheme would help address user delays and journey time reliability issues, especially in the Dunstable area, where strategic traffic would be redirected onto the A5-M1 Link instead of passing through Dunstable town centre. Although 5 residential properties would be demolished (see paragraph 5.10), the published Scheme would be conducive to economic growth and enable housing development in the vicinity of the A5-M1 corridor, thereby facilitating the planned growth for the region. It would also allow for improved accessibility to the existing Woodside Industrial Estate.

Summary

- 8.13 The Published Scheme addresses the transport problems that have been identified on the length of the A5 through Dunstable. The Published Scheme is consistent with the Government's Transport Objectives and its benefits are judged significantly to outweigh its adverse impacts. It is considered that there is a compelling case in the public interest for the Published Scheme to proceed.

9. OBJECTIONS, REPRESENTATIONS AND SUPPORT

9.1 By the close of the formal period for comment/objections on 2 March 2010, the Agency had received a total of 36 objections, 8 representations and 10 letters of support.

9.2 Following the formal comment/objection period a further 14 objections, 2 representations and 1 letter of support have been received.

9.3 Following the postponement of the PI in June 2010, in addition to the objections presented to the Highways Agency, the residents of Fancott and Chalton presented a petition to the Secretary of State via Nadine Dorries MP on 31 August 2010. This petition was seeking that the Published Scheme be rejected on the basis that there are no proposed local connections.

9.4 Following correspondence with objectors and representors which has included the re-defining of one Representation as an Objection, the current position is as described below.

9.5 The 51 Objections have been categorised under the headings Property and Land, Environment, Design and Construction, Traffic and Economics, and Planning and Policy. Issues that have been raised include:-

Land Use

- Viability of Business

- Blight
- Land take
- Security

Environment

- Ecology Impact
- Landscape Impact
- Visual Impact
- Noise Impact
- Air Quality Impacts
- Community Impacts
- Impacts of travellers
- Wider Environmental Impacts

Engineering

- Road Safety and Diversion Routes
- Lighting
- Drainage
- Agricultural Access
- Property Access
- Accommodation Works
- Side Road Issues
- Junction Issues
- Non Motorised Users
- Weight restriction on the local road network
- Proposals for and extent of the Detrunking

Construction

- Construction Impacts

- Statutory Undertakers

Traffic and Economics

- Traffic Impacts

Planning and Policy

- Government Policy
- Potential Development Impacts
- Statutory Process

9.6 The 9 Representations that were received have also been categorised under the headings above. Issues that have been raised include:-

Environment

- Ecology Impact
- Visual Impact
- Noise Impact
- Air Quality Impacts
- Community Impacts
- Impacts on traveller
- Wider Environmental Impacts
- Heritage Impacts

Engineering

- Lighting
- Drainage
- Side Road Issues
- Junction Issues
- Non Motorised Users

Construction

- Construction Impacts

Traffic and Economics

- Traffic Impacts

9.7 Thirteen letters of support have been received. In addition to these supporters an e-petition to the number 10 website was put forward by the Dunstable Area Focus Group in March 2010 urging that the scheme should go ahead. Prior to its deadline, 604 people had signed the petition.

9.8 10 alternative routes have been proposed. These relate to

- a tunnel beneath Dunstable connecting the A5/A505 junction to the Caddington Turn south of Dunstable.
- an eastern bypass of the existing A5 still within Dunstable utilising some of the road network within the town, starting at the A5/A505 junction and ending at the Caddington Turn south of Dunstable.
- an eastern bypass of Hockliffe with a new roundabout on the A5 north of the village, connecting to the proposed A5120 roundabout and continuing on to Junction 11A.
- provision of agricultural access by altering the overbridge provision for Footpath FP23 to cater for agricultural vehicles
- the first section of Luton Northern Bypass being constructed as part of the HA promoted scheme, connecting Junction 11A to Sundon Park Road.

- a single large roundabout for Junction 11A with two bridges over the M1 to replace the dumb bell layout in the Proposed Scheme. All motorway slip roads would be re-aligned.
- the northern section of Woodside Connection being constructed as part of the Highways Agency's promoted scheme, providing a local connection to the western dumb bell roundabout of the proposed Junction 11A.
- an alternative Private Means of Access directly from the western dumb bell roundabout for proposed B579 Luton Road, with a revised re-alignment of the Byway Open to All Traffic No. 9.
- a direct link from the eastern dumb bell roundabout at Junction 11A to the re-aligned B579. It is noted that this has since been withdrawn by the co-promoters.
- Revised eastern roundabout for Junction 11A with local connections both sides of the motorway negating the need for the local road alterations on the west side of the motorway as per the Published Scheme.

9.9 The Highways Agency will continue to address the concerns raised and seek to resolve them.

10. PUBLIC INQUIRY ARRANGEMENTS

- 10.1 On 22 September 2011, the Highways Agency announced that a Public Inquiry would be held into the Secretary of State for Transport's proposals and into the objections received in connection with the proposals. On 13 October 2011, the Highways Agency announced that a Pre Inquiry Meeting would be held in connection with the proposals.
- 10.2 The purpose of the Public Inquiry will be to inform the Secretary of State for Communities and Local Government and the Secretary of State for Transport of the weight and nature of objections to the proposed scheme.
- 10.3 The Inspector appointed to conduct the Public Inquiry will hold a Pre-inquiry Meeting where he will set out the organisation and procedures to be followed at the Public Inquiry and agreed a draft programme. The date of the Pre-inquiry Meeting and Public Inquiry will be announced shortly.
- 10.4 The Public Inquiry and Pre-inquiry Meeting will be conducted by Mr David Wildsmith BSc MSc CEng MICE FCIHT MRTPI, an inspector appointed by the Planning Inspectorate. At the end of the Public Inquiry, the Inspector will prepare his report for the Secretaries of State, with his recommendations on whether or not the draft Orders should be made (confirmed), either as published or with modifications.

- 10.5 The final decision will be taken jointly by the Secretaries of State in the light of the objections, representations received, the Inspector's report, and relevant Government policies.
- 10.6 Arrangements for the Public Inquiry are underway. It is expected that the Public Inquiry will open in early 2012. Details will be published in the local press shortly. The Highways Agency's Main Statement of Case will be issued to parties with unresolved objections and representations prior to the Pre-inquiry Meeting.
- 10.7 Copies of the documents relating to the scheme will be placed on deposit locally for inspection prior to the start of the Public Inquiry. Library facilities will be provided during the Public Inquiry, and will include all material which the Highways Agency will present and on which it bases its case. This material may be added to as the Public Inquiry progresses.
- 10.8 At the Public Inquiry, the Highways Agency will present specialist evidence in respect of policy, engineering, construction, traffic, and the environment. Other specialist witnesses will be available if required.

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