



A5 Weeford to Fazeley

Government Office for the West Midlands

Director- Northern Division
Direct Line: 0121 212 5087
Email: Pholland.gowm@go-region.gov.uk

77 Paradise Circus,
Queensway,
Birmingham,
B1 2DT

9 July 2003

Dear Sir/Madam

Highways Act 1980 Acquisition of Land Act 1981

A5 Trunk Road (Weeford - Fazeley improvement)

1. I am directed by the First Secretary of State and the Secretary of State for Transport ("the Secretaries of State") to refer to the concurrent public local inquiries ("the inquiries") held at Swinfen Hall Hotel, near Lichfield, Staffordshire, between 14 and 17 January 2003 before Mr W K Hutchison CBE, an independent Inspector nominated by the Lord Chancellor and appointed by the then Secretary of State for Transport, Local Government and the Regions, to hear objections to, and representations about, the following draft Orders: -

The A5 Trunk Road (Weeford - Fazeley Improvement) Order 200 ;

The A5 Trunk Road (Weeford - Fazeley Improvement) (De-Trunking) Order 200 ;

The A5 Trunk Road (Weeford - Fazeley Improvement) (Side Roads) Order 200 ;

The A5 Trunk Road (Weeford - Fazeley Improvement) Compulsory Purchase Order (No OD 32) 200;

The A38 Trunk Road (Weeford) Order 200 .,

The A38 Trunk Road (Weeford) (Side Roads) Order 200 ; and

2. The draft Orders relate to the proposed improvement of the A5 between its junction with the A38 at Weeford Island and Bonehill Junction at Mile Oak, by the construction of a new dual carriageway, and the upgrading of Weeford Island by taking the A38 under the existing roundabout in an underpass.

The inspector's report

3. A copy of the Inspector's report is enclosed. In this letter paragraph numbers in the Inspector's report are indicated by the abbreviation "IR". The Inspector's conclusions are at IR 7.1 to 7.66 and his recommendation is at IR 8.1. He concluded in favour of the published proposals and recommended that the Orders be made as drafted.

Post inquiry correspondence

4. Following the close of the inquires, correspondence was received from Mr and Mrs McMahon, Mr Wollatt of the Right to Ride Network, the Town Clerk of Fazeley Town Council, The Road Haulage Association Limited, and on behalf of Mr and Mrs Collins, and Miss Morris and Mr Petty.

The decision of the Secretaries of State

5. The Secretaries of State have carefully considered all the objections, alternative proposals, counter objections, representations and expressions of support made, both oral and written, together with the Inspector's report. They have considered the requirements of local and national planning, including the requirements of agriculture.

6. The Secretaries of State are satisfied that the published scheme accords with the aims and objectives of the Government's White Paper "A New Deal for Transport: Better for Everyone" and note that the scheme is included in the Government's Targeted Programme of Improvements. The Secretaries of State agree with the Inspector's conclusions and they accept his recommendations, save in respect of the A38 Side Roads Order, for the reasons in paragraph 9 below.

7. The Secretaries of State have noted the Inspector's comments at IR 7.46 and 7.47 relating to the turning difficulties at the Mile Oak crossroads where the A453 and B4504 intersect. Whilst they acknowledge his doubts about whether the minor modifications would work, they note nevertheless that the proposed changes would allow turning manoeuvres that are in accordance with the Highway Code section 157 and that Staffordshire County Council, the local highway authority responsible for the junction, agree with the Highways Agency's proposals (IR 6.38). For these reasons they agree with the Inspector's conclusion (IR 7.47) that it is not a matter that should affect their decision on whether or not to proceed with the proposed scheme.

8. The Secretaries of State have considered all the matters raised in post inquiry correspondence and they are satisfied that there is nothing in that correspondence which causes them to disagree with the Inspector's conclusions and recommendation. With regard to the matter raised about the use of the bridge over the A38 near Little Hay Lane south of Weeford Island, the Secretaries of State are satisfied that the proposed passing areas are adequate to facilitate use of the bridge by equestrians and cyclists.

Orders to be made

9. In accordance with the decision conveyed by this letter, the Secretary of State for Transport will shortly make the Orders listed in paragraph 1 as published in draft save for the A38 Side Roads Order. This Order will be made subject to a minor modifications to the Order Schedule to include reference to new highway "C". This provision was correctly included in the Order plan but omitted from the Order Schedule when the Order was published in draft.

10. Public Notice will be given when the Orders have been 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 his powers or has not complied with the relevant statutory requirements in making the Orders 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 Orders have been made.

Compensation

11. After the Compulsory Purchase Order has been made the owners and occupiers of 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 Highways Agency's valuer 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.

Availability of the inspector's report

12. A copy of this letter and the Inspector's report has been sent to all those who objected, made representations or expressed support. Any person who is entitled to be supplied with a copy of the Inspector's report may apply to the Secretaries of State within six weeks of receipt of this letter to inspect any document appended to the report. Any such application should be made to Mr R Simpson, at the Government Office for the West Midlands, 77 Paradise Circus, Queensway, Birmingham, 131 2DT, tel. no 0121 212 5273. 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

Philippa Holland