



Department for Transport

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Dear Sir/Madam

A1 DISHFORTH TO BARTON IMPROVEMENT SCHEME (LEEMING TO SCOTCH CORNER)

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to determine to the Orders published in draft on 23 May 2013 and listed in the Annex to this letter.
2. These draft Orders complement the Secretary of State’s decision letter of 31 March 2008, which amongst other things, gave authority for the Secretary of State to make the 2008 Orders to carry out the improvement to this section of the A1 between Leeming to Barton. The decision by the Secretary of State was made subject to the recommendation to publish new orders referred to in the Annex.
3. Public Notice of these Orders was published on 23 May 2013. The only un-withdrawn objections to these Orders were received from Mr Terry Ratcliffe (on behalf of the Cyclists Touring Club), Mr Ray Lightle, Tunstall Parish Council and Mr Carl Henderson.
4. The purpose of this letter is twofold. Firstly, it is to decide in the light of these objections, which are summarised below together with the Highway Agency’s response, whether to dispense with a local inquiry. Secondly, if I, on behalf of the Secretary of State, am satisfied that an inquiry is unnecessary, this letter will be the decision letter on whether the Orders are to be made.
5. As directed by the Secretary of State, I wrote to each of the four objectors in a letter dated 29 August 2013 stating that he was satisfied that in the circumstances of this case, the holding of a local inquiry was unnecessary and was therefore “minded to” dispense with such an Inquiry under the provisions in paragraph 7(2) to Schedule 1 of the Highways Act 1980. However, before reaching a final decision, I concluded that the four objectors should have the opportunity to make further representations in writing in respect of their objections. The objectors were therefore invited to submit any written information,

material and representations in support of their objections by 25 September 2013. Further representations in response were received from all four remaining objectors.

Main details of Mr Terry Ratcliffe's (on behalf of the Cyclists Touring Club) objection

6. The main grounds of objection [as mentioned in letters dated 17 April, 28 May, 11 July, 8 August and 13 September 2013] from Mr Terry Ratcliffe are that there should be a bridge provision between Bowbridge Lane and Tickergate Lane with an alternative route, stating that the proposed diversion is totally unacceptable for cyclists. He also submits that they should have been given the opportunity to consider objectors alternative OA10 at the 2006 Public Inquiry, which the Inspector recommended should be developed by the Highways Agency and proposed an alternative route, based on OA10. Mr Ratcliffe also believes that there should be a comprehensive analysis of options for the two local access roads making sure that they are the best value for money, along with a report detailing the analysis being made available in the public domain.

Highways Agency response

7. In response to Mr Ratcliffe's principle objections, the Highways Agency maintain that in accordance with the Inspectors report dated 9 February 2007 and the Secretary of State for Transport and Secretary of State for Communities and Local Governments decision letter dated 31 March 2008, option OA10 has been developed by them and provides acceptable crossing points for Non-motorised Users. The Highways Agency maintains that North Yorkshire County Council's accessibility officer has confirmed that the proposals are acceptable to the County. For Non motorised Users North Yorkshire County Council, as adopting highway authority, have confirmed that the Cyclists Touring Club alternative proposal would not meet North Yorkshire County Council highway alignment requirements. The Highways Agency also maintains that no demand by Non-motorised Users for a bridge at Bowbridge Lane/Tickergate Lane has been demonstrated by Mr Ratcliffe and that no evidence has been provided to support the statement that their suggested alternative route would be better for motorists and cyclists. The Highways Agency has indicated that there has been analysis of options.

Main details of Mr Ray Lightle's objection

8. The main grounds of objection from Mr Ray Lightle [as set out in letters dated 5 September, 23 September, 24 September, 26 September and 4 October 2013] are his concerns that the stopping up of Leases Lane and provision of gates is unreasonable and inconvenient, and that there are no provisions for maintenance of the access. He has concerns that the design could lead to a greater flooding risk and that there is no guarantee of snow clearance and dealing with icy road conditions. Mr Lightle also has concerns about visibility and passing problems on Leases Lane, as well as whether refuse collection would take place. Mr Lightle has also expressed the opinion that there should be a bridge provision between Bowbridge Lane and Tickergate Lane.

Highways Agency response

9. In response to Mr Lightle's objections the Highways Agency asserts that apart from the possible installation of gates, the additional length of stopping up would have little or

no impact on Mr Lightle's journey time. They are also of the view that stopping up will not change the distance he would need to travel when accessing his property compared with the 2006 proposals. Indeed, the inclusion of an additional access over the accommodation bridge provides an additional route for him to and from the proposed local access road, which was not provided in the 2006 proposals.

10. In response to Mr Lightle's concerns about adequate visibility and passing places, the Highways Agency notes that it should be borne in mind that we are talking about a private track which is only going to be used by Mr Lightle and the farmer accessing Sowber Hill Farm and as a bridleway link. The likelihood of meeting other vehicles is low. On the issue of refuse collection, the Highways Agency say they confirmed, in their letters dated 8 August 2013 and 23 September 2013 that both Hambleton District Council and Richmondshire District Council (if they took over collections) would continue to collect refuse from the Sowber Hill properties.

11. Regarding snow and ice clearing, the Highways Agency maintain that Mr Chapman has agreed to undertake snow clearance and this will be part of his agreement and taken into account when calculating compensation. With regards to flooding the Highways Agency has asserted that the access will be designed to current standards.

12. As far as maintenance is concerned, the Highways Agency says that to improve the durability they are proposing to construct the private means of access, using concrete which would provide a 40 year design life. The Highways Agency claim it is their intention that liability for the maintenance of the private means of access would rest with Mr Chapman and this would be covered by a covenant attached to his title. They are in the process of discussing this with him, but have confirmed that in the event that they cannot reach agreement, they will retain ownership and undertake maintenance. The issue of the Tickergate Lane bridge is covered in the Highways Agency response to Mr Ratcliffe.

Main details of the Tunstall Parish Council objection

13. The main grounds of objection from Tunstall Parish Council [in their letter dated 16 September] are that the modified local road network would encourage rat running through the village of Tunstall and that development since 2006 and future planned development will increase traffic through the village.

Highways Agency response

14. In response to the Tunstall Parish Councils objections the Highways Agency maintains that the objections do not relate to the Orders published on the 23 May 2013 and should therefore not be considered. The Highways Agency further argues that the issues raised are local highway authority matters. On the issue of the creation of a rat run and increased traffic through Tunstall village, the Highways Agency maintains that the closure of existing junctions at Catterick North and South and the construction of a proposed motorway junction at Catterick Central will provide a shorter route for traffic accessing Catterick Garrison from the A1 via the A6136, which will potentially reduce traffic travelling through Tunstall village.

Main details of Mr Carl Henderson's objection

15. The main grounds of objection from Mr Carl Henderson is that he believes there should be a local bridge crossing at Scurragh Lane (just south of Scotch Corner). He also believes the Orders are based on poor alignment and undue severance and that they would produce high pollution and noise levels.

Highways Agency Response

16. In response to Mr Carl Henderson's objection the Highways Agency maintains that the objection does not relate to the Orders published on the 23 May 2013 and should therefore not be considered. They further argue that the issues were discussed at the 2006 inquiry (from which the current proposals are unchanged) at which the inspector did not find that there had been a case made.

The Secretary of State decision to dispense with a local inquiry.

17. In deciding whether to dispense with a local Inquiry under the provisions in paragraph 7(2) in Schedule 1 of the Highways Act 1980, I have reviewed the grounds of objection on behalf of the Secretary of State, taking into account all other relevant matters raised in subsequent correspondence, in relation to the construction of the works contained in the draft Orders. I have given careful consideration, in the light of these objections and all other material relating to them, as to whether a local inquiry is necessary. As a result, I have decided that the nature and weight of these objections are such that a local inquiry is unlikely to produce any significant new information relevant to their decision, and that these objections do not raise issues of such public importance that they should be debated at a local inquiry. I am also satisfied that I am able to weigh-up the issues, take proper account of all the relevant grounds of objection, and can reach a decision without need of a local inquiry. For these reasons I now reconfirm the earlier view given in my letter of 29 August 2013, that in these circumstances the holding of a local inquiry is unnecessary, and under the provisions of paragraph 7(2) in Schedule 1, have decided to dispense with such an inquiry.

The Secretary of State's decision on making draft Orders

18. I am satisfied that the objections from Mr Carl Henderson and Tunstall Parish Council do not relate to the Orders published on the 23 May 2013 and should therefore not be considered. The issue of the Scurragh Lane crossing was dealt with at the 2006 Inquiry by the inspector who concluded that 'It is therefore my view that the likely use of a crossing if provided at Scurragh Lane would not justify the additional cost or outweigh the adverse visual and ecological impacts' (Inspectors report 6.3.3.11). The issue of increased traffic flow through Tunstall was also dealt with at the 2006 inquiry by the Inspector who concluded that 'there is no evidence to support the assertion or to challenge the HA's evidence that the scheme would cause no material additional traffic flow through the village, and that it may lead to some reduction' (Inspectors report 6.3.5.1).

19. Turning now to the objections from Mr Ratcliffe. I am satisfied that the Orders provide acceptable crossing points for Non-motorised users and that no evidence has been provided to persuade him otherwise. It is clear that the current proposals are acceptable to North Yorkshire County Council and that Mr Ratcliffe's alternative proposal would not meet North Yorkshire County Council highway requirements. I am also satisfied that the crossing is to the appropriate standard given the strategic diversionary route it is designed to fulfil and the required analysis of options has been carried out by the Highways Agency given the nature of the route they are building.

20. Finally, there are the objections from Mr Lightle. I am satisfied that the issues have been addressed adequately by the Highways Agency. I consider that the Highways Agency has as far as it is able, accommodated Mr Lightle's concerns. It has confirmed details of the proposed design particularly with concern to stopping up, the risk of flooding, visibility and passing bays. I am further satisfied that the concerns with reference to maintenance, snow clearing and dealing with icy conditions have been adequately dealt with and any relevant areas can be addressed by compensation negotiated with the Agency's valuer.

21. I have therefore decided on behalf of the Secretary of State, for the reasons given above, that the Orders and Scheme, referred to above, will be made as published in draft.

ORDERS AND SCHEME TO BE MADE

22. In the light of the decision taken above, the Secretary Of State for Transport will make shortly the published draft Orders listed in the Annex 1.

23. Public Notice will be given when the Orders and Scheme are made. Any person who wishes to question the validity, or any particular provision contained in them, 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 of Schedule 2 of the Highways Act 1980, 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.

24. A copy of this letter has been sent to Mr Terry Ratcliffe, Mr Ray Lightle, Tunstall Parish Council and Mr Carl Henderson

Yours faithfully

A handwritten signature in black ink, appearing to read 'JD', with a horizontal line underneath.

John Dowie
On behalf of the Secretary of State for Transport

ANNEX

**THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY) ORDER NO.1
20..;**

**THE A1 MOTORWAY (LEEMING TO SCOTCH CORNER CONNECTING ROADS)
SCHEME 20..;**

**THE A1 TRUNK ROAD (DISHFORTH TO BARTON) (SUPPLEMENTARY
DETRUNKING) ORDER 20..;**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY SIDE ROADS)
ORDER NO. 1 20..;**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY SIDE ROADS)
ORDER NO.2 20..;**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY SIDE ROADS)
ORDER NO.3 20..;**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SECTION) SUPPLEMENTARY
COMPULSARY PURCHASE ORDER NO.1 (NO MP..)20..;**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SECTION) SUPPLEMENTARY
COMPULSARY PURCHASE ORDER NO.2 (NO MP..)20..;**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SECTION) SUPPLEMENTARY
COMPULSARY PURCHASE ORDER NO.3 (NO MP..)20..; AND**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SECTION) SUPPLEMENTARY
COMPULSARY PURCHASE ORDER NO.4 (NO MP..)20..;**