



# Department for Transport

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Your Ref: RGP/104849

Our Ref: LAO/Y&H/SRO/2012/20

LAO/Y&H/CPO/2012/21

Date: 1 August 2013

Dear Sir

HIGHWAYS ACT 1980  
ACQUISITION OF LAND ACT 1981

THE NORTH YORKSHIRE COUNTY COUNCIL (A684 BEDALE, AISKEW AND LEEMING BAR BYPASS CLASSIFIED ROAD) (SIDE ROADS) ORDER 2012 ("the SRO")

THE NORTH YORKSHIRE COUNTY COUNCIL A684 BEDALE, AISKEW AND LEEMING BAR BYPASS COMPULSORY PURCHASE ORDER 2012 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries held at The Lodge, Leeming Bar on 21, 22 and 23 May 2013 before Mr I Jenkins BSc CEng MICE MCIWEM an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted by North Yorkshire County Council ("the Council").

2. If confirmed by the Secretary of State the SRO and CPO would respectively authorise the Council to:

a) improve lengths of highway, stop up lengths of highway, construct new highways, stop up private means of access to premises and provide new means of access to premises; and

b) purchase compulsorily land and new rights over land for the purposes of the construction and improvement of a highway between the A684, North End, Bedale and the A684, Northallerton Road, Leeming Bar; the construction of highways to connect the aforementioned highway with the existing road system; the construction of other highways and the improvement of existing highways in the vicinity of the route of the above mentioned highway in pursuance of the

SRO; the use of land in connection with the construction or improvement of a highway or with the carrying out of works authorised under the SRO; the provision of new means of access to premises in pursuance of the SRO; the diversion of watercourses and the carrying out of other works on watercourses in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; the improvement or development of frontages to the above mentioned new and existing highways or of land adjoining or adjacent thereto; and mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof.

#### THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the Orders both as made in writing and presented orally at the Inquiries and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 4.1 to IR 4.2.11. The case for the objectors is summarised at IR 5.1 to IR 5.5.1 and the Council's rebuttal of the objections is at IR 6.1 to IR 6.5.3. The Inspector's conclusions are detailed at IR 7.1 to IR 7.2.9 whilst his recommendations are given at IR 8.1 and IR 8.2.

#### THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of his conclusions the Inspector has recommended at IR 8.1 that the CPO be modified in accordance with CPOa (referred to at IR 3.2) and the Order so modified be confirmed and at IR 8.2 that the SRO be modified in accordance with IR 3.6 and that the Order so modified be confirmed.

6. The proposed modification to the CPO is to add 'the right to construct a new private means of access over an area of 66 square metres of arable land north of Bedale' to Plot 100 column 2 of Table 1.

7. The proposed modification to the SRO is to Schedule 6, under Highway to be Stopped Up, and is to amend 'Low Street at a point 29m north of the centre of the access of 'Ashville' for a distance of 151m in a northwesterly direction' to 'Low Street at a point 29m north of the centre of the access of 'Ashville' for a distance of 130m in a northwesterly direction'.

#### THE DECISION OF THE SECRETARY OF STATE

8. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward. He has considered the Inspector's report and accepts his conclusions and recommendations.

9. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and he is satisfied that they do. In particular, he has considered the

provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR 7.1.34 and is satisfied that in confirming the CPO, a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

10. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals, and accepts that the modifications mentioned in paragraphs 6 and 7 above are necessary and that they should be made. He is satisfied in relation to the SRO that the modifications do not amount to substantial change and in relation to the CPO that they would not prejudice the interests of any of the parties directly concerned. The Secretary of State notes that at the Inquiries the Council promoted a further modification to the SRO in the form of the provision of an at-grade crossing of the bypass, at Chainage 1800, to serve Aiskew Grange Farm. For the reasons given at IR 7.2.5 to IR 7.2.8, the Secretary of State agrees with the Inspector that this modification should not be made.

11. For these reasons the Secretary of State has decided to confirm as modified by him the North Yorkshire County Council (A684 Bedale, Aiskew and Leeming Bar Bypass Classified Road) (Side Roads) Order 2012 and the North Yorkshire County Council A684 Bedale, Aiskew and Leeming Bar Bypass Compulsory Purchase Order 2012 and this letter constitutes his decision to that effect.

12. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence as being factually correct. The decision on confirming these Orders is given on this basis.

## COMPENSATION

13. Details of compensation arising as a consequence of confirmation of a compulsory purchase order are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

## AVAILABILITY OF DOCUMENTS

14. A copy of this letter, together with a copy of the Inspector's report has been sent to the objectors and the other persons who appeared and made representations at the Inquiries. Copies will be made available on request to any other persons directly concerned and can also be viewed on

<https://www.gov.uk/government/organisations/department-for-transport/series/highways-act-inspectors-reports-and-decision-letters>.

Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan

submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

#### RIGHT OF CHALLENGE

15. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming the Orders may, under the provisions of Schedule 2 to 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 the notice that the Orders have been confirmed. The High Court cannot entertain an application under the said Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours faithfully



VICTORIA POINTER  
Authorised by the Secretary of State  
to sign in that behalf