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10 June 2014

Addressee as on envelope

Dear Sir or Madam

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981**

A1 SCOTCH CORNER TO BARTON

1. We are directed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government (“the Secretaries of State”) to refer to the concurrent public inquiries (“the Inquiry”) that sat for a total of 4 days between 4 February 2014 and 10 February 2014 before Ian Jenkins BSc CEng MICE MCIWEM an independent Inspector appointed by the Secretaries of State, to hear objections to, and representations about, the following draft Scheme and Orders:

THE A1 MOTORWAY (SCOTCH CORNER TO BARTON CONNECTING ROADS) SCHEME 20.. (“the CRS”)

THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY APPROPRIATION) ORDER No.2 20.. (“the SAO”)

THE A66 TRUNK ROAD (SCOTCH CORNER JUNCTION TO VIOLET GRANGE FARM) ORDER 20.. (“the TRO”)

THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY SIDE ROADS) ORDER No.4 20.. (“the SSRO”)

THE A1 MOTORWAY (DISHFORTH TO BARTON SECTION) SUPPLEMENTARY COMPULSORY PURCHASE ORDER No.5 (No MP ..) 20.. (“the SCPO”)

2. This letter conveys the decision of the Secretaries of State on whether the above Scheme and Orders should be made following their consideration of the Inspectors report.

3. The purpose of the draft Scheme and Orders, if made as published, is to provide for a local access road between Scotch Corner and Barton to complement the provision to be made in the wider A1 upgrade project.

THE INSPECTOR'S REPORT

4. A copy of the Inspector's report is enclosed. In this letter references to paragraph numbers in the Inspector's report are indicated by the abbreviation "IR".

5. It is recorded at IR 2.3.1 that there was one statutory objector and five non-statutory objectors remaining at the start of the Inquiry with two further non-statutory objections submitted during the course of the Inquiry.

THE DECISION OF THE SECRETARIES OF STATE

6. The Secretaries of State have carefully considered the Inspector's report together with all the objections, alternative proposals, counter objections, representations and expressions of support made, both orally and in writing, and all post-inquiry correspondence. In reaching their decision, they have also considered the requirements of local and national planning, including the requirements of agriculture, as required by section 10(2) in Part II of the Highways Act 1980.

7. The Secretaries of State are satisfied that the Inspector's conclusions cover all material considerations and propose to accept his recommendations, subject to the comments in the following paragraphs.

Decision on the Environmental Statement

8. The Secretary of State for Transport ("the SoSfT") is satisfied that the requirements of European Directive No. 85/337/EEC, as amended by Directive No. 97/11/EC and Directive No. 2003/35/EC and Directive No. 2009/31/EC, as consolidated in Directive 2011/92/EU, implemented by sections 105A, 105B, 105C and 105D of the Highways Act 1980, have been complied with fully in respect of the published scheme ("the project" for the purpose of the Directive). The SoSfT is also satisfied that the Environmental Impact Assessment undertaken for the project and the Environment Statement, have properly identified, assessed and addressed all significant environmental effects, and considered and given reasons for dismissing the main alternatives, as well as assessing the proposed measures to minimise these impacts. The SoSfT is satisfied that members of the public and others concerned have been given reasonable opportunity to express their opinion before deciding whether to proceed with the project to which the assessment relates. Therefore, having considered the Statement and any opinions expressed on it by the public and others, and taking into account the

Inspector's conclusion at IR 10.1.26 the SoSfT has decided to proceed with the project to which the assessment relates. For the purpose of section 105B(6) of the Highways Act 1980, publication of the SoSfT's decision to proceed with the scheme will be given by public notice as set out in section 105B(7).

Decision on the Scheme and Orders

9. The Secretaries of State, in considering the Inspector's report, make the following comments on matters raised in the report:

Alternative Routes

10. The Secretaries of State note that there were three alternative routes proposed and pursued at the Inquiry – alternative routes A (ARA), B (ARB and modified ARBa) and C (ARC). The Highways Agency response is at IR 9.2.1 to IR 9.2.17, IR 9.3.1 to IR 9.3.7 and IR 9.6.1 to IR 9.6.2.

11. The Secretaries of State note that each of the three alternative routes was considered by the Inspector who reached conclusions on each of them in IR 10.1.27 to IR 10.1.45.

12. The Secretaries of State note that the Inspector reached a conclusion in IR 10.1.27 to IR 10.1.32 that although ARA would result in a small cost saving of around £300,000 and potentially provide a more attractive route for cyclists and other non-motorised users, the narrower route would be likely to result in vehicles travelling closer to non-motorised users potentially increasing their safety concerns, reduce the scope for North Yorkshire County Council to undertake required maintenance work without closing the carriageway, would increase the likelihood of the free flow of traffic being interrupted and the additional lit roundabout would be likely to harm the setting of Kneeton Hall. The Secretaries of State also note that the Inspector did not share the view of the Cyclists' Touring Club that the proposed scheme has been designed to unduly high standards and concluded that on balance the identified potential benefits of ARA were significantly outweighed by its disadvantages.

13. The Secretaries of State note that the Inspector in IR 10.1.41 rejected the proposal by WG Baker Baker and the trustees of the WG Baker Baker's 1990 Settlement for ARB and ARBa concluding that the potential benefits would be significantly outweighed by their disadvantages. The Inspector reached a conclusion in IR 10.1.33 to IR 10.1.41 that it is likely that ARB and ARBa would be more expensive than the proposed scheme, that ARB would increase the journey distance between Duckett Hill Quarry and Barton Quarry while also increasing the frequency of trips, that any new alignment of Dere Street would cause harm to its heritage significance and that the use of Dere Street as access to Duckett Hill Quarry would carry a significant risk of leaving the operator with no lawful means of access to the quarry.

14. The Secretaries of State note that the Inspector concluded in IR 10.1.42 to IR 10.1.45 that the Highways Agency assessment of ARC, that it would cost around £2.6 million more than the proposed scheme, would harm the character of Dere Street, may adversely affect archaeological features along the route and would sterilise mineral reserves in Duckett Hill Quarry, should be given greater weight than the evidence provided in writing by the proposer Councillor C Dawson.

15. The Secretaries of State, after considering all the evidence, accept the Inspectors overall conclusion at 10.1.45, and agree with his reasoning and findings, that in comparison with the proposed scheme and Orders the alternatives are not to be preferred and are not worthy of further investigation, and they are satisfied that the alternative routes were properly considered.

The Local Access Road

16. The Secretaries of State note the concerns of the British Horse Society in IR 7.3.1 to IR 7.3.5 that the Local Access Road would not comply with guidance set out in Design Manual for Roads and Bridges section TA 91/05 with respect to provision for non-motorised users and in particular the circumstances in which an off carriageway cycle route is recommended, the potential increase in traffic flows and the speed of traffic. They also note the concerns of the North Yorkshire Local Access Forum in IR7.4.1 to IR7.4.3. The Secretaries of State in considering this matter note the Inspector's comments in IR 10.1.7 to IR 10.1.10 and the comments from the Highways Agency at IR 9.4.1 to IR 9.4.5 including the Inspector's conclusion that TA 91/05 indicates that its purpose is to highlight the needs of non-motorised users on trunk roads, that non-motorised User surveys have indicated that usage of non-motorised vehicle routes in the study area is low and his acceptance that the gap between an equestrian and the running carriageway would be adequate. The Secretaries of State, after considering all the evidence, accept the Inspector's conclusion at IR 10.1.10, and agree with the reasoning and findings that the Local Access Road would make reasonable and adequate provisions to meet the needs of non-motorised users, including pedestrians, cyclists and equestrians.

Kneeton Lane/ Silver Street

17. The Secretaries of State note that a number of objectors raised concerns that the widening of the verge on the northern side of Silver Street would encourage higher traffic speeds. They also note that the Highways Agency in IR 9.7.2 indicated that since the properties are around 300 metres from the limit of the proposed works the speed of vehicles is unlikely to be significantly increased and also note the Inspector's comments in IR 10.1.18 and IR 10.1.21 to IR 10.1.22.

18. The Secretaries of State note that Mr G Townsend raised concerns that the removal of existing planting screens would have an adverse impact on views and traffic noise to the Waterfall Terrace residents. The Secretaries of State when considering this matter note the Inspector's comments in IR

10.1.19 to IR 10.1.20 and the comments from the Highways Agency at IR 9.7.3 including the Inspector's conclusion that he gives greater weight to the Highways Agency expert evidence than the generalised views of the residents of Waterfall Terrace.

19. The Secretaries of State, after considering all the evidence, accept the Inspector's conclusion at IR 10.1.23, and agree with his reasoning and findings, that the scheme would be unlikely to have a significant effect on safety or convenience of users of Kneeton Lane.

The New Kneeton Hall Accommodation Bridge

20. The Secretaries of State have carefully considered the Inspector's comments at IR 10.1.11 to IR 10.1.15. They note that there were concerns that the new bridge would not adequately provide for non-motorised users. The Secretaries of State, after considering all the evidence, accept the Inspector's conclusion at IR 10.1.15, and agree with his reasoning and findings, that the New Kneeton Hall Accommodation Bridge would make appropriate provisions for the likely vehicular and non-motorised users.

Modifications and Corrections

21. The Secretaries of State note the Inspector's conclusions in IR 10.1.48 to IR 10.1.49 and IR 10.1.51 to IR 10.1.55 on the modifications and corrections proposed to the SCPO in Inquiry document number T45 and set out in IR 4.2.1 to IR 4.2.4. They note that the modifications and corrections will address drafting errors and will delete plots SI/6E and SI/6H. The Secretaries of State therefore accept the Inspector's overall conclusions at 10.1.51 and 10.1.55 that they are justified and should be made.

The Secretaries of State Decision on the Draft Scheme and Orders

The CRS

22. The Secretaries of State agree with the Inspector's overall conclusions on the CRS at IR 10.3.1 to IR 10.3.3, and for the reasons he has given, accept his recommendation in IR 11.3, that the CRS should be made as drafted without modification.

The SAO

23. The Secretaries of State agree with the Inspector's overall conclusions on the SAO at IR 10.4.1 to IR 10.4.3, and for the reasons he has given, accept his recommendation in IR 11.4, that the SAO should be made as drafted without modification.

The TRO

24. The Secretaries of State agree with the Inspector's overall conclusions on the TRO at IR 10.5.1 to IR 10.5.3, and for the reasons he has given, accept his recommendation in IR 11.5, that the TRO should be made as drafted without modification.

The SSRO

25. The Secretaries of State agree with the Inspector's overall conclusions on the SSRO at IR 10.2.1 to IR 10.2.3, and for the reasons he has given, accept his recommendation in IR 11.2, that the SSRO should be made as drafted without modification.

The SCPO

26. The Secretaries of State agree with the Inspector's overall conclusions on the SCPO at IR 10.1.48 to IR 10.1.49 and IR 10.1.51 to IR 10.1.55 and, for the reasons he has given, together with those of the Secretaries of State above, accept his recommendation in IR 11.1 that the SCPO be modified as set out in IR 4.2.1 to IR 4.2.4 and in Inquiry document T45 and that the Order so modified be made. The Secretaries of State are satisfied that this modification does not, in their opinion, make a substantial change to the draft SCPO for the purposes of the provisions in paragraph 8(3) of schedule 1 to the Highways Act 1980.

ORDERS AND SCHEME TO BE MADE

27. In light of the decision taken above, the Secretary of State for Transport will make shortly the published Orders listed in paragraph 1 above, subject to the corrections and modifications, as recommended by the Inspector in paragraph 21 above.

28. Public notice will be given when the Scheme and Orders referred to in this letter are made. Any person who wishes to question their validity, or 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 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

29. After the CPO has been made, the qualifying persons, in relation to the land included in the made Order, will be approached about the sum of compensation payable to them in respect of their interest in the land. If the amount cannot be agreed with the valuer instructed by the Highways Agency, on behalf of the Secretary of State for Transport 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, as amended by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011.

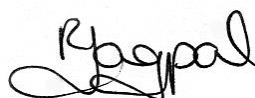
Availability of the Inspector's Report

30. A copy of this letter and the Inspector's report has been sent to all statutory objectors and to any other person who, having appeared at the Inquiry, has asked to be notified of the decision of the Secretaries of State. Any person who is entitled to be supplied with a copy of the Inspector's report may apply to the Secretary of State for Transport within six weeks of receipt of this letter, to inspect any document appended to the report. Any such application should be made to David Tate (telephone number 0207 944 2797 or e-mail David.tate@dft.gsi.gov.uk) at the Department for Transport. Applicants should indicate the date and time (within normal office hours) when they propose to make the inspection. At least three days' notice should be given, if possible.

Yours faithfully



Jon Griffiths
On behalf of the Secretary of State for Transport



Ranuka Jagpal
On behalf of the Secretary of State for Communities and Local Government