



Report to the Secretary of State for Transport and to the Secretary of State for Communities and Local Government

by I Jenkins BSc CEng MICE MCIWEM

**An Inspector appointed by the Secretary of State for Transport and the Secretary of State for
Communities and Local Government**

Date: 30 April 2014

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

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

**THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY
APPROPRIATION) ORDER No.2 20..**

**THE A66 TRUNK ROAD (SCOTCH CORNER JUNCTION TO VIOLET
GRANGE FARM) ORDER 20..**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SUPPLEMENTARY SIDE
ROADS) ORDER No.4 20..**

**THE A1 MOTORWAY (DISHFORTH TO BARTON SECTION)
SUPPLEMENTARY COMPULSORY PURCHASE ORDER No.5 (No MP ..)
20..**

Inquiries: 4-6 and 10 February 2014

Ref: DPI/P2745/13/24

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1 CASE DETAILS

- **The A1 Motorway (Scotch Corner to Barton Connecting Roads) Scheme 20..** would be made under sections 16, 17 and 19 of the Highways Act 1980. The draft Scheme was published on 18 July 2013, and there were 3 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation(s): I recommend that the Scheme be made.

- **The A1 Motorway (Dishforth to Barton Supplementary Appropriation) Order No. 2 20..** would be made under section 18 of the Highways Act 1980. The draft Order was published on 18 July 2013, and there were 3 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation(s): I recommend that the Order be made.

- **The A66 Trunk Road (Scotch Corner Junction to Violet Grange Farm) Order 20..** would be made under sections 10 and 41 of the Highways Act 1980. The draft Order was published on 18 July 2013, and there were 3 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation(s): I recommend that the Order be made.

- **The A1 Motorway (Dishforth to Barton Supplementary Side Roads) Order No. 4 20..** would be made under sections 12, 18 and 125 of the Highways Act 1980. The draft Order was published on 18 July 2013, and there were 5 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation(s): I recommend that the Order be made.

- **The A1 Motorway (Dishforth to Barton Section) Supplementary Compulsory Purchase Order No. 5 (No MP ..) 20..** would be made under sections 239, 240, 246 and 260 of the Highways Act 1980 as extended and supplemented by section 250 of the Act and under section 2 of the Acquisition of Land Act 1981. The draft Order was published on 18 July 2013, and there were 4 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation(s): I recommend that the Order be made, subject to certain modifications set out below.

2 PREAMBLE

2.1 *The Inquiries and site visits*

2.1.1 I have been appointed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government (the Secretaries of State) to conduct concurrent Inquiries for the purpose of hearing representations and objections concerning the draft Scheme and Orders. I held those Inquiries at the Holiday Inn, Scotch Corner on the 4-6 and 10 February 2014. I carried out an accompanied site visit on 4 February 2014 and unaccompanied site visits on the 3 and the 11 February 2014.

2.2 *Purpose of the Scheme and Orders*

2.2.1 The draft Scheme and Orders, which together comprise the 'proposed scheme', have been published as part of an on-going project to improve and upgrade the A1 between Dishforth and Barton. The Highways Agency (HA), as an Executive Agency of the Department for Transport (DfT), is responsible for managing, maintaining and improving the trunk road and motorway network and aims to ensure that it is safe, efficient, reliable and environmentally acceptable. As part of those duties, it has been promoting the necessary Schemes and Orders required to facilitate the Dishforth to Barton project.

2.2.2 A draft Scheme and Orders were published for the full Dishforth to Barton project in March 2006. A public inquiry was held in October 2006. Following receipt of the Inspector's report¹, the Secretaries of State issued a decision letter on 31 March 2008². At that time, the project contained no provision for a local access road (LAR) between Scotch Corner and Barton. Objectors had sought such provision and objected to the draft Scheme and Orders on that basis.

2.2.3 The Secretaries of State, in their 2008 decision letter, decided that the failure to provide a LAR between Scotch Corner and Barton was unsatisfactory. Whilst making Orders for other sections, the Secretaries of State required further investigation of what were then LAR Objectors' Alternatives 23 and 24 (OA23 and OA24). The HA evaluated routes OA23 and OA24 and prepared a report, after consultation with key stakeholders, summarising the assessments and recording its decision that a route based on OA24 provides best value for money and would be progressed³.

2.2.4 The following is a brief description of the draft Scheme and Orders and

¹ O6.

² O7.

³ M3.

what they seek to achieve:

- a) *The A1 Motorway (Scotch Corner to Barton Connecting Roads) Scheme 20..* ⁴.

The draft Scheme, if made, would fix the line of the on and off slip roads from the A66 Trunk Road to the upgraded A1 from the north side of the existing Scotch Corner junction. It would also provide for the slip roads to be special roads.

- b) *The A1 Motorway (Dishforth to Barton Supplementary Appropriation) Order 20..* ⁵.

The effect of this Order would be to appropriate the connecting roads provided as part of the Scheme as part of the special road which Secretary of State would be authorised to provide as part of the larger A1 improvement scheme.

- c) *The A66 Trunk Road (Scotch Corner Junction to Violet Grange Farm) Order 20..* ⁶.

This Order would provide for the construction of a new length of trunk road from the northwestern side of the A66 Scotch Corner junction and a new roundabout at the northern end of that new length of trunk road, in order to provide access onto the A1. It would also provide access onto the LAR, to private property and to the VOSA facility in that location.

- d) *The A1 Motorway (Dishforth to Barton Supplementary Side Roads) Order No.4 20.. (SRO)*⁷.

This Order would provide for the improvement of highways, stopping up of highways, construction of new highways, the stopping up of private means of access and the provision of new private means of access and for the transfer of new highways to North Yorkshire County Council (NYCC) as local highway authority. It is this draft Order which would facilitate the provision of the LAR.

- e) *The A1 Motorway (Dishforth to Barton Section) Supplementary Compulsory Purchase Order No.5 (No MP..) 20.. (CPO)*⁸.

This Order would have the effect of authorising the Secretary of State for Transport to compulsorily acquire the interests in and rights over land which are necessary to deliver the overall project to which the Scheme and other Orders relate.

⁴ A1.

⁵ A2.

⁶ A3.

⁷ A4.

⁸ A6.

2.3 *Objections to the Scheme and Orders*

2.3.1 Of the 10 duly made objections, 5 remained at the start of the Inquiries. The details are as follows:

Statutory objector

- 1) WG Baker Baker and the Trustees of the WG Baker Baker's 1990 Settlement (BB).

The objection letter only refers to the CPO and the SRO and so has been taken as relating to those draft Orders.

Non-statutory objectors

- 2) The Cyclists' Touring Club (CTC).

The objection only refers to the SRO and the objection is taken to be an objection to that draft Order only;

- 3) The British Horse Society (BHS).

The objection refers only to 'the proposals' and so has been taken to be an objection to the draft Scheme and the draft Orders;

- 4) Councillor C Dawson (CD).

This objection does not specify which aspects of the proposals he objects to and so it has been taken to be an objection to the Scheme and Orders; and,

- 5) Mr G Townsend (GT).

This objection does not specify which aspects of the proposals he objects to and so it has been taken to be an objection to the Scheme and Orders.

2.3.2 I consider that the statement submitted on behalf of the North Yorkshire Local Access Forum (LAF), on the 31 December 2013, also amounts to an objection to the SRO. In addition, letters of objection were submitted during the course of the Inquiries by Mr S Dickinson and Mr J Stephenson. They do not make reference to any particular Scheme or Order and so have been taken as objections to all.

2.4 ***The proposed route and suggested alternative routes***

2.4.1 A number of objectors promoted alternative routes to that of the LAR, which is the subject of the SRO. A series of plans have been produced and publicised by the HA in order to allow interested parties to be able to compare the proposed scheme and those alternatives suggested by objectors, and to facilitate the making of representations. The proposed and alternative routes are as follows:

- 1) Plan Q01 shows the proposed scheme. A new short length of trunk road would be provided from the northwestern side of the A66 Scotch Corner junction, leading to a new Violet Grange Farm roundabout,

which would also form part of the trunk road network. This roundabout would provide access onto the A1, the LAR, to the VOSA weighbridge and to Violet Grange Farm. The LAR, which would have a running carriageway width of 7.0 metres and a 0.3 metre wide hardstrip on each side, would head north from the roundabout on the west side of the A1. At approximately half way along its length, the LAR would cross the A1 on a new overbridge (OB), which would be placed at a 50 degree skew to the A1. The LAR would then head north on the east side of the A1, passing a new pond at Kneeton Hall before linking into Kneeton Lane via a new T-junction at Kneeton Cottages, which would give priority to traffic travelling between Scotch Corner and the northern section of Kneeton Lane. There would be no further changes made to Kneeton Lane until its junction with Silver Street, where the junction would be improved so as, amongst other things, to provide for a ghost island to assist with right turns into Kneeton Lane from Silver Street. The existing accommodation bridge over the A1 to Kneeton Hall, the adjacent farm and Duckett Hill Quarry would be replaced with a new Kneeton Hall accommodation bridge (nKHAB), square to the A1, located about 120 metres further to the south of the existing crossing;

- 2) Plan Q02 shows the alternative route suggested by the CTC, alternative route A (ARA). This shows a LAR running from the Violet Grange Farm roundabout closer to the west side of the A1 and then turning east at an additional Kneeton Hall roundabout before passing over the A1 on a new bridge located a little further south than the accommodation bridge in the HA's scheme. This would be the only crossing of the A1, which would be used by through traffic as well as traffic associated with Duckett Hill Quarry, Kneeton Hall and any non-motorised users (NMUs). To the east of the A1 the route would link into Kneeton Lane at a new Kneeton Cottages T-junction, the minor arm of which would comprise the northern section of Kneeton Lane. The ARA would comprise a 6 metre wide carriageway with no hardstrips;
- 3) Plan Q03 shows the alternative suggested by BB, alternative route B (ARB). It would involve all the same physical works as the proposed scheme. However, the rights to use the nKHAB would not include any rights for the operator of Duckett Hill Quarry. Instead, in addition to the proposed scheme works, ARB would involve the use of Dere Street as a means of providing access to and from that quarry.

At the Inquiries BB promoted a modification to the quarry access included within ARB, which I will refer to as ARBa. It would involve the provision of a conveyor beneath the A1, which would be used to transfer stone material from Duckett Hill Quarry to Barton Quarry, which is sited to the east of the A1. BB suggested that while access to Duckett Hill Quarry along Dere Street would still be required, it would only be used for staff access and the delivery of plant and machinery required at the quarry;

- 4) Plan Q04 shows the alternative suggested by CD, alternative route C (ARC), which is based on Objector Alternative OA23 considered by the Inspector at the 2006 Inquiry.⁹

2.5 **Counter objections**

2.5.1 Publication of the three suggested alternatives provoked counter objections from the following parties:

- 1) Councillor Etherington (CE);
- 2) Mr & Mrs Swanston;
- 3) English Heritage;
- 4) Mr & Mrs Hall;
- 5) CM Wharton;
- 6) North Yorkshire County Council (NYCC);
- 7) Sherburn Stone Limited (SSL); and,
- 8) A-one+;

Scope of this Report

2.6 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of inquiry appearances, documents and abbreviations used are attached as appendices. Proofs of evidence were added to at the Inquiries through oral evidence. Italic text is used within the summaries of cases for my factual comments to assist the reader.

3 DESCRIPTION OF THE LOCALITY

3.1 The existing A1 in this location is a 2-lane dual carriageway with hard shoulder open to all classes of traffic. It has junctions at the southern end at Scotch Corner and at the northern end at Barton, but none in between. There is one access to the presently inactive Duckett Hill Quarry from the northbound carriageway and one disused field access off the southbound carriageway and a large lay-by on the southbound section of the A1. Alternative routes between Scotch Corner and Barton exist, but they are not suitable for carrying large volumes of traffic or large vehicles.

⁹ O6 para 4.4.20.

4 LEGAL/PROCEDURAL SUBMISSIONS

4.1 *Statutory formalities*

4.1.1 At the Inquiries, the HA confirmed that all of the statutory formalities had been complied with and this was not disputed by any of the other parties present.

4.2 *Modifications*

4.2.1 BB originally objected to the inclusion of plots S1/6E and S1/6H in the CPO. The HA has since agreed that the acquisition of those plots is not necessary and invites the Secretaries of State to modify the CPO to reflect that position. A draft of the modified Order plan has been provided¹⁰. In my judgement, these minor modifications, which would reduce the scope of the CPO, would be unlikely to prejudice the interests of anyone.

4.2.2 In its letter dated 6 August 2013 to Strutt & Parker LLP, acting on behalf of Mr A Speir and Mr R Congreve, the HA confirmed that in accordance with information provided by Strutt & Parker LLP, a number of corrections to the CPO schedule, as regards the ownership or tenancy of a small number of plots, would be made.¹¹ I have taken this into account.

4.2.3 At the Inquiry the HA also confirmed that the CPO schedule description for plot S1/4F contains a typographical error. It should read ‘..Bridleway No 20.46/2..’ instead of ‘..Bridleway No 20.16/2’. In my judgement, this minor modification would be unlikely to prejudice the interests of anyone.

4.2.4 I will refer to these minor modifications jointly as CPOa.

5 THE CASE FOR THE HIGHWAYS AGENCY (HA)

The gist of the material points made by the HA in its written and oral submissions were:

5.1 *Background and need for the Scheme*

5.1.1 The proposals before the Secretaries of State form the final part of the Schemes and Orders which are necessary to facilitate the upgrade of the A1 to motorway standard along its length between Dishforth and Barton. The role and importance of the A1 is well known and does not need repeating.

¹⁰ T18 & T45.

¹¹ S8.

- 5.1.2 The Scheme and Orders have been promoted as a direct result of the Secretaries of States' conclusions in March 2008 that the proposals considered at inquiry in 2006 were not appropriate, given (i) the absence of any proposal for a LAR between Scotch Corner and Barton, and (ii) the absence of a LAR between Leeming and Low Street. The necessary Orders have already been made in respect of the Leeming to Low Street section and they are not the subject of any outstanding legal challenge and so the provision of that LAR can proceed.
- 5.1.3 In the 2008 Decision Letter¹² the Secretaries of State required further consideration to be given to what were then known as OA23 and OA24. The proposed scheme before the Inquiries is based on OA24. CD's alternative is based upon OA23, as discussed below. The HA gave detailed consideration to the two alternatives and, after investigation and consultation with key bodies and persons, determined that OA24 was preferable to OA23¹³.
- 5.1.4 There is no Scheme Brief which applies solely to the provision of a LAR between Scotch Corner and Barton. The HA has used the original scheme brief and the content of the 2008 decision of the Secretaries of State as well as the content of its accompanying Inspector's Report to guide what is required for the LAR and the works required to facilitate or accompany it. The original brief requires '*Single Carriageway All Purpose Road (LAR) to be provided, as appropriate, to meet the needs of local and non-motorway traffic*'¹⁴.
- 5.1.5 Contrary to the claims of the CTC, the Secretaries of State have also given a clear steer that a further rationale for the provision of the LAR is to provide a means of relieving traffic in the event of an emergency incident on the A1 itself. In his report¹⁵, Inspector Tipping made it clear that part of the justification for his view that a LAR was required between Scotch Corner and Barton was that it was '*advisable to assist on the occasion of a major incident*' and that '*the arguments for a LAR to provide emergency access and egress for trapped traffic are, if anything, stronger in respect of the Scotch Corner to Barton section than the Leeming and Catterick*' section. The Secretaries of State expressly agreed with this reasoning¹⁶. The Highways Agency has taken into account this aspect of the Inspector's and Secretaries of States' reasoning when formulating the proposals now before the Inquiries.
- 5.1.6 The proposals contained in the Scheme and Orders fulfil the requirements of the original brief and of the Secretaries of State as set out in the 2008

¹² 2008 DL O7

¹³ The reasons for that choice can be found in M3.

¹⁴ P4 Appendix B.

¹⁵ O6, paragraph 6.3.2.11, page 66

¹⁶ O7, paragraphs 13 and 22.

decision letter. They would deliver a LAR between Scotch Corner and Barton which would complement the provision to be made in the wider A1 upgrade project and it has not been necessary to amend the proposals for the mainline upgrade in any way. The LAR scheme would seamlessly fit with the main proposals.

5.2 ***Vehicular traffic***

- 5.2.1 The proposal would provide a LAR between Scotch Corner and Barton. A new short length of trunk road would be provided from the North West side of the A66 Scotch Corner junction, leading to a new roundabout which would also form part of the trunk road network. The roundabout would provide access onto the LAR, which would head north on the west side of the A1 and then crossing it via a new OB. The LAR would then head north on the east side of the A1 linking into Kneeton Lane via a new T-junction at Kneeton Cottages. The junction of Kneeton Lane with Silver Street would be improved so as to provide for a ghost island to assist with right turns into Kneeton Lane from Silver Street. The existing accommodation bridge over the A1 to Kneeton Hall Farm and Duckett Hill Quarry would be replaced with a new accommodation bridge, square to the A1, located about 120m further to the south. That new accommodation bridge would be constructed to the same standards as a bridge carrying a trunk road and would be designed in accordance with the Design Manual for Roads and Bridges (DMRB)¹⁷. The bridge would therefore be capable of accommodating the largest vehicles and plant used at Duckett Hill Quarry. The new T-junction at Kneeton Cottages would also provide the Kneeton Lane link to Middleton Tyas.

5.3 ***Non-motorised users (NMUs)***

- 5.3.1 The proposed scheme with which these Inquiries are concerned has been designed with the needs of NMUs firmly in mind. It has been formulated taking into account not just the user surveys prepared for the purposes of informing the Scheme and Orders proposed to facilitate the LAR, but also the previous surveys which were prepared for the wider scheme.
- 5.3.2 The BHS has queried the NMU surveys produced on behalf of the HA. For the LAR scheme, surveys on each of two weekdays and two weekend days have been undertaken. It has been shown that the number and duration of surveys accords with the DMRB¹⁸. There is no merit in the faint criticism which has been made of the NMU surveys in this case. Further, no one else has produced survey evidence to show the amount or kind of NMUs use of any of the elements of the highway¹⁹ network. There is, perhaps surprisingly, not even anecdotal evidence of usage.

¹⁷ Oral evidence of Mr Kirby.

¹⁸ T31.

¹⁹ Using that term in the full sense of referring to footpaths, bridleways and vehicular rights of way.

The only reference to such usage has been by the BHS in its questioning of HA witnesses, when the BHS referred to the potential, not actual, use of the LAR by any equestrians at Violet Grange farm. That point was not repeated in the evidence of BHS and there is no evidence that the occupiers of Violet Grange Farm even have horses, still less that they would ride them along the LAR.

- 5.3.3 The assessment of the effects of the scheme upon NMUs has been undertaken in accordance with DMRB volume 11, section 3 part 8²⁰ and WebTAG²¹. The provisions of the North Yorkshire Local Transport Plan²² have also been taken into account.
- 5.3.4 The only amenity feature for NMUs within the study area is the accommodation bridge at Kneeton Hall, which carries a public bridleway as well as private access rights for Duckett Hill Quarry and Kneeton Hall.
- 5.3.5 The surveys referred to earlier show that usage of NMU routes in the study area is low. For equestrians, in 2013 a total of only 9 equestrians were identified on the four days of surveys at six locations. No equestrian used the Kneeton Hall bridge during any of the four surveys. Even looking at the earlier 12 days of surveys prepared for the wider A1 project, only one equestrian was encountered in the survey area relevant to the LAR scheme.
- 5.3.6 The proposed scheme would have the effect of providing a net increase in east-west crossing facilities provided across the highway network, by means of a new crossing at Kneeton Lane. Provision would also improve with the introduction of widened grass verges along the LAR, which would improve north-south movement by the provision of a new route which would run alongside considerably reduced volumes of traffic when compared to the current, highly unattractive, route along the verges of the A1 itself. The OB would be 15m wide with equestrian friendly verges and parapets. The LAR would also provide a more direct north/south route than the existing circuitous local road network. The proposed scheme would result in net benefits for NMUs, in accordance with aims of local and national policies.
- 5.3.7 NMUs issues are relevant when considering the objections, as set out below.

5.4 **Policy context**

- 5.4.1 The Secretary of State for Transport is required to keep under review the

²⁰H11.

²¹H25.

²²G1.

national trunk road and special road (i.e. motorway) network and has powers under the Highways Act 1980 to authorise the construction of new trunk or special roads, appropriate existing highways as special roads and de-trunk existing highways. He has ancillary powers to stop up, divert or improve existing highways where they cross or enter the route of the new special road and to stop up and provide new private means of access to adjacent land. He can also create new highways for which the local highway authority will be responsible if that is deemed necessary to achieve a scheme's overall objectives.

- 5.4.2 The project before the Inquiries complies with relevant Government policy. Further, compliance of the upgrade of the A1 to motorway standard was fully assessed as part of the 2006 Inquiry process and need not be revisited here. In those circumstances, only a brief review of policy is required.
- 5.4.3 The 2010 Spending Review covers the financial years 2011/2012 to 2014/2015. In it, the Government looked to identify those proposed schemes on the strategic road network which performed best against four criteria:
- a) Public value for money;
 - b) Strategic value
 - c) Deliverability; and,
 - d) Non-monetised impacts.
- 5.4.4 After such consideration, fourteen schemes were identified as being expected to be able to start in the period to 2015. The A1 Leeming to Barton scheme was not among them. However, the DfT published its Business Plan in May 2011²³. In it, the Government identified the role that the transport system could play as an engine for economic growth whilst being greener, safer and improving the life of the nation's communities. The improvement of links which help to move people and goods around was seen as part of the means of helping to build a balanced, dynamic and low carbon economy, which is essential for the nation's future prosperity. The A1 Leeming to Barton scheme was reintroduced into the roads programme in the Autumn Statement 2012²⁴. The HA had submitted the proposals for consideration for reintroduction in the roads programme on the basis that efficiency savings could be achieved and that the scheme could commence construction in early 2014.
- 5.4.5 The 2013 Autumn Statement²⁵ reaffirmed the Government's commitment to providing the infrastructure necessary to address past under-

²³ B4.

²⁴ B7 bullet point 1, paragraph 1.84, page 35.

²⁵ B8.

investment and to assist the nation to be competitive in a global context. The National Infrastructure Plan 2013 sets out the Government's determination to provide the largest investment in roads since the 1970s, in order to ensure that the road network supports economic growth and facilitates people's day to day activities. The A1 Leeming to Barton project is identified in that National Infrastructure Plan as one of the five projects which are priority investments²⁶.

- 5.4.6 The proposals before these Inquiries are necessary in order to facilitate the delivery of the completed A1 upgrade between Dishforth and Barton. They comply with the relevant aspects of the Government's transport policy. An assessment has been carried out of the extent to which the proposed scheme aligns with relevant national and local planning policy. The assessment is contained in the Environmental Assessment Report²⁷ and the Supplementary Environmental Assessment Report²⁸. The assessments used a methodology derived from DMRB volume 11, section 3, part 12²⁹, supplemented by WebTAG³⁰ units 3.7.2 and 3.7.3. The overall conclusion of that assessment was that the proposed scheme accords with the relevant planning policy framework.

5.5 **Public consultation**

- 5.5.1 Consultation on the proposals before the inquiries has taken place with appropriate statutory bodies. The LAF is a statutory body but is not a statutory consultee. The claim originally made at the Inquiries by Mrs Connolly, purportedly on behalf of the LAF, that it has been cut out of the consultation process is demonstrably baseless³¹ and was subsequently withdrawn by her in closing statement³². The statutory requirements as to consultation and advertisement have been met. No one has raised any substantiated complaint about the qualitative aspects of the consultation undertaken in respect of the project with which these inquiries are concerned.

5.6 **Funding position**

- 5.6.1 The project has been afforded a budget by Central Government of £314 million. The predicted scheme costs for the whole A1 Leeming to Barton project at November 2013 were £340 million excluding historic costs at 2013 prices. This left a £26 million shortfall against the approved budget. As part of its December 2013 business case to secure the remaining

²⁶ F27 pages 36 & 37.

²⁷ K2.

²⁸ K3.

²⁹ H11.

³⁰ H25.

³¹ T35.

³² T57.

funding, the HA confirmed that the shortfall would be met by efficiency savings across the HA's portfolio of highways schemes³³. Those savings are certain, because they have already occurred³⁴. The recommendation for approval from the DfT's Business Investment Commercial Committee was ratified by the Secretary of State for Transport and confirmation of scheme funding was provided by the Chief Secretary of the Treasury on 31 January 2014³⁵.

5.6.2 It can therefore be concluded that sufficient funds to cover the costs of the scheme will be available. No-one has claimed that the contrary is the case.

5.7 ***Economic appraisal***

5.7.1 The LAR, which has been identified as a requirement by the Secretaries of State, is an integral part of the wider scheme to upgrade the A1 between Leeming and Barton. Following identification of the proposed LAR route, the full Leeming to Barton scheme, including the proposed LAR, has been subjected to economic appraisal. The result is that the scheme has a Benefit to Costs Ratio (BCR) of 2.1, derived from a Present Value of Benefits of £542 million and a Present Value of Costs of around £260 million. Those figures are at 2010 prices. If additional benefits from the impacts of improved route reliability are taken into account, using the HA's MyRIAD software, then additional benefit of £190 million falls to be taken into account, increasing the BCR to 2.8. On either basis, the BCR exceeds 2 and therefore constitutes 'high' value for money.³⁶ There has been no challenge to the methodology or outputs of the economic assessment undertaken.

5.7.2 It is not possible to divorce the appraisal of the LAR scheme before the Inquiries from the benefits of the wider A1 upgrade scheme when using modelling procedures available to the HA. The HA explained at the Inquiries that modelling the costs and benefits of the LAR in isolation could only be done by undertaking a manual assessment. The HA has done this insofar as it is necessary to identify the relative merits of the proposed scheme versus the alternative routes suggested by objectors.³⁷

5.8 ***Contractor involvement and timescales***

5.8.1 Contractor involvement in the LAR scheme is secured. The A1 Dishforth to Barton scheme is being constructed by the Carillion Morgan Sindall Joint

³³ T19

³⁴ Mrs S Forte-Gill in answer to the Inspector.

³⁵ T14.

³⁶ J3.

³⁷ T02

Venture (JV) for the scheme. If the Scheme and Orders were to be made, then the JV would construct the authorised works as part of the wider project.

- 5.8.2 The works for the Scotch Corner to Barton section of the A1 upgrade are programmed to commence in October 2014, subject to the satisfactory outcome of these Inquiries. After an October 2014 start, the works are forecast to be completed by January 2017 as part of the wider scheme. The mainline works would take 29 months to complete and the LAR works 17 months. The LAR and upgrade works would start together so that the LAR works would be completed 12 months before the mainline works are completed. That does not mean that the LAR works' timing has some flexibility within them. It is important that the commencement of the LAR works and the mainline works happens together, as the completion of the nKHAB and the demolition of the old bridge needs to be completed before the mainline works can move from their phase 2 (the first element of southbound widening) to phase 3 (all aspects of the northbound widening).
- 5.8.3 The HA's evidence shows that appropriate processes would be put in place to avoid or minimise disruption during the construction of the works. There are no objections based on the effect of the construction of the works.

5.9 **Traffic assessment**

- 5.9.1 The modelling work relevant to the evidence presented at these Inquiries builds upon the earlier work for the wider A1 upgrade project. A model of existing conditions has been constructed in accordance with DMRB guidelines for the development of traffic models, set out in Volume 12 Section 2³⁸, and DfT guidance for the appraisal of multimodal transport projects, contained in WebTAG Unit 3³⁹. The model has been reviewed and approved by the Safety Standards and Research specialist technical arm of the HA.
- 5.9.2 The model is built mainly upon locally collected traffic information. A combination of data has been drawn from roadside interviews, manual classified counts, automated traffic counts, journey time surveys and Automatic Number Plate Recognition surveys. They have been used both to produce a computer based model for the main routes in the wider scheme and also for individual assessments of local access issues within the scheme area on a case by case basis.
- 5.9.3 A scheme model has been built to model the proposed situation with the works in place. It should be made clear that the modelling work used to

³⁸ H12

³⁹ H25

inform these Inquiries includes an updated base year of 2012, which is the last year for which complete annual traffic data is available. The model used comprises time periods for the morning peak (0800-0900), an average inter-peak hour and the evening peak hour (1700-1800). The model has been validated in accordance with the requirements of DMRB volume 12⁴⁰ and WebTAG⁴¹. Further detail of the model's construction and validation, which have not been challenged, are set out in the Local Model Validation Report⁴².

- 5.9.4 Traffic growth has been forecast for the opening year (2017) and design year (2032). For each year, three scenarios have been assessed: a central reference case, a pessimistic low growth case and an optimistic high growth case. Committed developments have been taken into account. The model predicts flows on the LAR would be around 2,000 vehicles annual average daily traffic (AADT) in opening year in all three cases, with traffic rising to 2,300, 2,400 and 2,500 in the design year in the pessimistic⁴³, central and optimistic⁴⁴ cases respectively.
- 5.9.5 The HA has acknowledged the limits of the local traffic model's ability to assign local traffic to the LAR instead of the motorway. The comparative costs of using the LAR and the motorway are very similar in the model, with the only material difference being the additional 700 metres journey length, if the A1M were to be used. That has the effect of causing the model to assign all traffic which could use the LAR or the motorway for certain local journeys to the LAR. In reality, not all drivers would make that choice and so the predicted figures for traffic using the LAR should be seen as being the higher end of what is likely to happen⁴⁵.
- 5.9.6 The HA has explained that even if predicted figures for LAR traffic were as low as that advocated, but not justified, by the CTC or as set out in the HA's rebuttal materials provided to the last Inquiry, or as referred to in the meeting minutes from March 2013 submitted by BHS⁴⁶, all of which pre-dated any detailed modelling for the LAR, then the design parameters for the links and junctions of the LAR would not change. DMRB treats the carriageway provision of roads carrying fewer than 13,000 vehicles AADT in the same way.

⁴⁰ H12

⁴¹ H25

⁴² J01

⁴³ See T17

⁴⁴ P6 appendix C.

⁴⁵ See T02 at 2.2.1 to 2.2.6

⁴⁶ T22.

5.10 ***Environmental impact assessment (EIA)***

5.10.1 The Dishforth to Barton improvement was the subject of environmental assessment, set out in an Environmental Statement⁴⁷. The Leeming to Barton section, including the LAR, has been subject to a further Environmental Assessment Report⁴⁸, which has since been updated by a Supplementary Environmental Assessment Report⁴⁹. The Inquiries have been completed with no-one challenging the legal validity or the adequacy of the content of these EIA documents⁵⁰. A brief explanation of the main issues is set out below.

Landscape and visual impact

5.10.2 The LAR would not have a significant landscape or visual effect in the opening or design years beyond those already identified in the published 2006 Environmental Statement for the original scheme. The maturation by the design year of the mitigation planting will mean that there would be only slight or moderate adverse landscape effects in the context of the A1 upgrade as a whole, which would not cross the threshold of significance. The provision of the LAR would mean that there would be slightly increased visual effects at Kneeton Cottages and Kneeton Hall, but those effects would be reduced to insignificant levels once landscape mitigation has established.

5.10.3 A little more is said on landscape and visual matters when addressing BB's objection.

Ecology

5.10.4 There are no predicted effects on any designated sites. Habitats to be lost have been assessed as having only local nature conservation value. The proposed landscaping would reduce the effects on those habitats to neutral and therefore not significant. Construction and operation would have no direct effects upon badgers or roosting bats. There would be a slight adverse residual effect on habitat used for bat foraging and commuting, but the planting of trees, shrubs and hedgerows would reduce effects to non-significant. There would be no significant effects on breeding or wintering birds.

5.10.5 Overall, the residual effect of the proposed scheme on nature conservation interests would only be slight adverse and therefore not significant for the purposes of environmental assessment.

⁴⁷ K1

⁴⁸ K2

⁴⁹ K3

⁵⁰ K1, K2 and k3.

Water

- 5.10.6 An assessment of road drainage and the water environment was undertaken. It concluded that the proposed scheme had the potential to adversely affect surface water bodies within the study area, but that mitigation measures and good site practices would be adopted which would prevent or minimise adverse effects, so that effects of no more than slight adverse significance would remain. The proposals include the necessary water management features, such as ponds.
- 5.10.7 Discharge consents would have to be obtained from the Environment Agency, but the absence of those consents is perfectly usual for a road scheme at this stage in its statutory processes and there is no reason to think that such consents would not be forthcoming⁵¹. The Environment Agency does not object to the proposals and early liaison has already taken place with the Environment Agency and NYCC on future consents.

Noise and vibration

- 5.10.8 During construction, there would be minor adverse effects at the most affected noise sensitive receptors with appropriate mitigation measures in place. During operation, the significance of noise effects is expected to be slight adverse at the most affected noise sensitive receptor. As all road surfaces would be new, ground-borne vibration is not expected to be a problem.

Air quality

- 5.10.9 During construction, the air quality assessment has shown that with the adoption of appropriate mitigation measures and good construction practices, there would be no greater than negligible air quality effects for all activities.
- 5.10.10 When the proposed scheme is operational, the changes in pollutant concentrations caused by the proposed scheme would be negligible at all receptors and a regional air quality assessment concluded that there would be no net increase in traffic flow and hence no significant net change in regional emissions. The effect of the proposed scheme would therefore be negligible.

Vehicle travellers

- 5.10.11 Given the justification for the scheme, it is not surprising to learn that the assessment of effects on vehicle travellers would be beneficial.

⁵¹ T37 para 2.1.4.

Land quality issues

- 5.10.12 Areas of land contamination would be cleaned up and capped, which would bring about an improvement in land quality. With mitigation, there would be no significant effects on geology, geomorphology, soils or minerals. Overall, there would be no significant effects.

Cultural heritage

- 5.10.13 The HA's evidence explains that an assessment of the scheme's effects upon cultural heritage has been undertaken which takes into account all relevant statutory material, policy and guidance. The approach used in formulating the proposals has been to minimise impacts. The assessment has been undertaken in accordance with the DMRB volume 11, section 3, part 2⁵² and other relevant guidance. Regular meetings have been held with the NYCC Heritage Unit and with the relevant personnel at English Heritage.
- 5.10.14 There are no Scheduled Ancient Monuments in the Study Area. There is one listed building, Kneeton Hall, Grade II listed, and Middleton Lodge which is Grade II listed on the Register of Historic Parks and Gardens. Violet Grange, a Grade II listed building, was included in the assessment, despite being outside the study area. None of these assets would undergo any direct impacts.
- 5.10.15 Kneeton Hall has its principal views to the north-north-east, away from the A1 in the vicinity of the LAR. Impacts on its setting would be neutral with mitigation. Middleton Lodge's views are towards the North Yorkshire Moors and would be unaffected and mitigation is not necessary. Nor would Violet Grange be affected.
- 5.10.16 Whilst there would be effects upon archaeological features through the removal of material during works, the impacts are assessed as being slight adverse effects. The only effects of the proposed scheme upon historic landscapes would be upon ridge and furrow which would be recorded before its loss.
- 5.10.17 The surviving section of the Great North Road west of Barton would be unaffected by the LAR and its important historic character would remain in the HA's proposals.

⁵² H11.

5.11 **Compliance with statutory tests**

*The A1 Motorway (Scotch Corner to Barton Connecting Roads) Scheme 20..*⁵³

- 5.11.1 The making of this Scheme would satisfy the tests in sections 16, 17 and 19 of the Highways Act 1980 in that the submissions set out above establish that consideration has been given to the requirements of local and national planning. The 'Land Use' assessment in section 8 of the Environmental Assessment Report⁵⁴ and of the Supplementary Environmental Assessment Report⁵⁵ consider the effects of the scheme upon agricultural land and so the scheme's effects upon agriculture have been taken into account, as required by the applicable provisions of section 16(8) of the Highways Act 1980.

*The A1 Motorway (Dishforth to Barton Supplementary Appropriation) Order 20..*⁵⁶

- 5.11.2 The making of this Order would satisfy the relevant statutory tests in that traffic prohibited from using the highways to be appropriated as special roads would have another reasonably convenient route available to it, namely the LAR, before the appropriation took effect. The relevant requirements of section 18(6) of the Highways Act 1980 would therefore be met.

*The A66 Trunk Road (Scotch Corner Junction to Violet Grange Farm) Order 20..*⁵⁷

- 5.11.3 As set out above, the requirements of national and local planning, including agriculture, have been taken into consideration when formulating the scheme for improving the trunk road network, of which the provisions of this Order form part. The entirety of the HA's case shows that it is expedient to make the Order, in order to achieve not just the full scheme of trunk road improvement before these Inquiries but also so as to be able to complete the Leeming to Barton improvement scheme. The relevant requirements of section 10(2) of the Highways Act 1980 are satisfied.

⁵³ A1.

⁵⁴ K1.

⁵⁵ K2 page 33- less than 1% of the land required would comprise 'best and most versatile agricultural land'.

⁵⁶ A2.

⁵⁷ A3.

*The A1 Motorway (Dishforth to Barton Supplementary Side Roads) Order No.4 20..*⁵⁸

- 5.11.4 The Schedules to this Order show that in all cases where stopping up of highways would take place, another reasonably convenient route would exist. In relation to private means of access to be stopped up a reasonably convenient alternative would be provided in all but two cases. Those two exceptions fall within the category of cases where no other means of access is required because, in one case, the access would be shared with another new means of access and, in the other, because the access is unused and an alternative means of access is already used⁵⁹. It can therefore be concluded that the requirements of section 18(6) and 125(3) of the Highways Act 1980 would be met if the Order were made.

*The A1 Motorway (Dishforth to Barton Section) Supplementary Compulsory Purchase Order No.5 (No MP..) 20..*⁶⁰

- 5.11.5 With the modification sought in respect of the proposed removal of plots S1/6E and S1/6H, there is now no objection to the inclusion of any plots within the CPO. The Land Reference Plans⁶¹ show how each plot in the CPO is to be used for various aspects of the scheme and demonstrate that no land or rights are being unnecessarily acquired.
- 5.11.6 There are no impediments to the progression of the scheme underlying the CPO. The only consents outstanding are discharge consents and, for the reasons set out above, there is no reason to think that these will not be forthcoming. Planning permission for the works is granted by the permitted development right contained in Class B of Part 13 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, which grants planning permission for:
- 'The carrying out by the Secretary of State of works in exercise of his functions under the Highways Act 1980, or works in connection with, or incidental to, the exercise of those functions.'*
- 5.11.7 The overall content of the HA's case, and the findings of the Secretaries of State in 2008 shows that there is a compelling case in the public interest for both (i) the works to go ahead and (ii) therefore the necessary compulsory acquisition of land in order to allow them to be completed.
- 5.11.8 The interference with the human rights of affected landowners, namely interference with rights given qualified protection in Article 8 of, and

⁵⁸ A4.

⁵⁹ T38-Full details of the two cases where an alternative private means of access is not to be provided.

⁶⁰ A6.

⁶¹ T40.

Article 1 of the First Protocol to, the European Convention on Human Rights and Fundamental Freedoms would be lawful, fulfil one or more of the purposes set out in the Articles as to when the qualified rights may be interfered with and would be proportionate⁶². The making of the CPO, and indeed the Scheme and other Orders, would not breach the Human Rights Act 1998.

5.12 **Conclusions**

- 5.12.1 There is a very strong case to make the Scheme and Orders. The Highways Agency invites the Inspector to recommend, and the Secretaries of State to decide, that the Scheme and Orders before these Inquiries should be made.

6 **THE CASE FOR THE SUPPORTERS**

The gist of the material points made by the supporter who appeared at the Inquiries in their written and oral submissions were:

6.1 **The case for Mr J Allison**

- 6.1.1 I run a successful wedding venue at Middleton Lodge on Kneeton Lane and we currently have around 20,000 unique visitors each year. We are also expanding the facilities by building a new hotel and garden facility, which has planned traffic numbers of around 80,000 vehicle movements per year. With this new proposal any traffic coming from the south on the A1 would be able to avoid Middleton Tyas completely and access our site close to where the proposed new LAR would join Kneeton Lane. Any alternative route to that proposed by the HA would be unlikely to offer our customers a shorter route to our site than that through Middleton Tyas. The residents of that settlement are particularly aware of traffic due to the bottlenecks within the village and the proximity of the school to the road. The proposed new road would offer increased safety and other associated benefits to village residents by allowing a significant volume of traffic to avoid it completely.
- 6.1.2 I anticipate that very few of my customers would use the local network of public rights of way, as the routes can be confusing and do not provide good access to a wider area.

The gist of the material points made by those supporters who did not appear at the Inquiries in their written submissions were:

⁶² T43.

6.2 ***Richmondshire District Council*** (RDC)

6.2.1 RDC supports the forthcoming upgrade of the section of the A1 between Leeming and Barton. This section of the A1 runs almost entirely through Richmondshire and is undoubtedly the most significant piece of transport infrastructure within the District. In addition to the national importance of the A1 for north/south journeys, this section has a vital role in servicing RDC's resident population from employment and leisure perspectives. The proposed upgrade would enhance accessibility to the District and is complementary to growth plans for the A1 corridor detailed in RDC's shortly to be adopted Local Plan.

6.3 ***The North East Chamber of Commerce*** (NECC)

6.3.1 The NECC is the North East's leading business membership organisation and one of the largest chambers of commerce in the country. Connectivity is an issue of central importance to NECC members. As England's most peripheral region we depend upon our transport infrastructure more than most and yet we have never been linked to the rest of the UK motorway network. The message that this can send about the relevance and connectivity of our region can be hugely damaging. Furthermore, the bottlenecks and constant delays linked with these stretches of road also add to the costs of regional businesses seeking trade in other regions and indeed other countries. The proposed upgrade sends a very powerful message that the North East region is linked to the motorway network and therefore, that moving between it and other areas of the UK is not an issue. It will enable the promotion of foreign investment, while serving on a very practical day to day basis to ease the links between our businesses and their markets, saving time and money that can otherwise be dedicated to investment, growth and jobs for UK Plc. The NECC strongly supports the proposed upgrade of the A1.

6.4 ***The Freight Transport Association*** (FTA)

6.4.1 The FTA supports the planned improvements to the A1 north of Leeming. The road is an important part of national infrastructure and we believe it is in need of urgent investment and should be brought up to motorway standard. For the freight industry it is vital to have roads which provide safe and reliable journey times for the timely delivery of goods and services.

6.5 ***North Yorkshire Police*** (NYP)

6.5.1 NYP supports the upgrade of the existing A1 primarily on the grounds of road safety. NYP's experience elsewhere suggests that it would be reasonable to expect a 20% reduction in serious accidents and a 60% reduction in fatal accidents on the associated section of the A1 following the proposed upgrade works. Serious and fatal accidents are not only a

personal tragedy for the families and friends of those involved, they may also have a significant impact on the economy not least as a result of the disruption caused by the necessary road closures, something that the proposed LAR would help to relieve.

7 THE CASE FOR THE OBJECTORS

The gist of the material points made by those objectors who appeared at the Inquiries in their written and oral submissions were:

7.1 The case for WG Baker Baker and the Trustees of the WG Baker Baker's 1990 Settlement (BB)

- 7.1.1 All matters have been agreed with the HA other than the resolution of the conflict inherent in the HA's published proposal as regards private means of access to Kneeton Hall and Duckett Hill Quarry.
- 7.1.2 The HA has confirmed that their nKHAB would provide the sole means of access to the three residential properties at Kneeton Hall, the adjacent farm and Duckett Hill Quarry. Furthermore, they estimate that the peak traffic flows arising from the quarry may be 60 vehicle movements per day for 60 tonne dump trucks.
- 7.1.3 The HA, in presenting evidence for the construction of the scheme stated under cross-examination that an access shared by residential, agricultural and non road worthy quarry dump trucks is an unusual, if not unique, arrangement as the more usual shared provision is limited to road-legal cars, vans and lorries. The dump trucks would potentially be of a type normally restricted to working within mineral extraction sites where access by members of the public or other unrelated personnel and vehicles are prohibited on safety grounds.
- 7.1.4 BB has promoted an alternative, ARB, which envisages the re-use of Dere Street by quarry traffic, in order to ensure that it would not: conflict with other users of nKHAB; or, harm the visual and noise environment in the vicinity of the Hall. Whilst in BB's view it should perhaps be ranked higher, Kneeton Hall is a Grade II Listed Building⁶³.
- 7.1.5 The evidence available to establish ownership and access rights along the entire section of Dere Street have proved inconclusive. BB has submitted evidence to support its re-use without the need for further Orders. The HA believes that further Orders would be necessary as the gated section of the street, 492 metres south of the Dere Street Junction at Kneeton Corner, is stopped up and in private ownership. However, the HA has no evidence for this and has relied upon an Ordnance Survey plan extract and inference. BB has demonstrated that this evidence is unreliable and thus the inference incorrect.
- 7.1.6 Mindful of the objections previously raised by adjacent residents and

⁶³ T48.

- consultees regarding the use of Dere Street, a revised proposal was made by BB at the Inquiries, ARBa, with the aim of minimising quarry traffic. ARBa would involve the construction of a box-culvert beneath the planned motorway to enable extracted stone to be transported via conveyor belts between Duckett Hill and the processing plant at Barton Quarry. This would reduce the impact upon ecology, cultural heritage and neighbour concerns.
- 7.1.7 ARBa was considered by the HA to have negative impact when compared to the proposed scheme; due to greater noise from the conveyor, the continuing need to remove overhanging vegetation along Dere Street and the inability of any conveyor to transport clay overburden, which the HA indicated needed to be exported from Duckett Hill Quarry to enable this material to be sold to make the extraction of the underlying stone viable.
- 7.1.8 BB considers that the negative impact from noise associated with the conveyor needs to be assessed against the dirt and noise arising from the 60 tonne dump trucks that would otherwise be required and the routes they would need to take. The trimming of overhanging branches along Dere Street would be restricted, in BB's view, to a short section south of the Kneeton Highways Depot and is only required to the extent necessary to transport the crusher to Duckett Hill Quarry at the re-commencement and completion of quarrying activities. The Planning Consent granted in 1999 enabling the Quarry to continue until 2042 prohibits the removal of overburden from Duckett Hill Quarry. BB considers this to include clay and so the material to be transported off site would be limited to stone alone, which would be within the capabilities of the proposed conveyor.
- 7.1.9 The effectiveness of a conveyor as a means of transporting crushed stone can be observed by the recent installation of a conveyor belt between Barton Quarry and the land to the east at Middleton Lodge, where stone extraction has recently commenced. The additional costs of a box-covert are considered by the HA to be around £851,000 for a 60 metre length of 3x3 metre box section and it would extend Phase 4 and 5 of the planned works by three and six weeks respectively. Whilst BB has no means of challenging these figures, the impact must be assessed against the greater conflict that would arise as a consequence of the proposed scheme when compared to the current arrangements. BB does not believe that when the existing accommodation bridge was built dump truck use was envisaged. Even if it had been, these would have been restricted to 32 tonnes, in line with signage at the crossing, without any direct non-highway access between quarries. These two constraints coupled with the typical size of vehicles at that time would have further limited these quarry vehicles to being road-worthy, licensed and of an acceptable size and scale.
- 7.1.10 BB promoted Objector's Alternative OA25 at the 2006 Public Inquiry to separate farm and quarry traffic by constructing a wider bridge with two segregated tracks for the respective traffic. The Inspector rejected this on

the basis that the anticipated 40 tonne lorries would not conflict with farm or residential traffic. BB does not believe that he would have reached this conclusion if the dump trucks were specified in place of the lorries. BB considers the ARBa to have sufficient merit to outweigh the additional costs and programme delays that would result and hopes that the Inspector will recommend to the Secretaries of State that the HA should explore alternatives to their published Scheme.

7.2 ***The case for the Cyclists' Touring Club (CTC)***

7.2.1 The brief set by the DfT for the motorway requires local access roads to be provided, as appropriate, for local and non-motorway traffic. The evidence provided by the HA to the 2006 public Inquiry indicated that traffic levels would be less than 100 vehicles per day in the design year. The decision of the Secretaries of State confirms that a LAR is appropriate to relieve Melsonby and Middleton Tyas of non-motorway traffic and to assist in the event of an emergency closure of the motorway. However, there is no requirement for the LAR to accommodate all the motorway traffic in the event of a closure; such a thing being impossible anyway.

7.2.2 The requirements set out above could be met by a baseline option with modest design standards, similar to that put forward by CTC as an objector's alternative, ARA. In contrast, the publicised proposals for the LAR are designed to what can only be described as lavish standards. Adopting these standards has 4 adverse effects:

- 1) It adds significantly to the capital costs to be met from public funds. ARA would only require one relatively short bridge crossing, whereas the proposed LAR would include 2 bridges. Furthermore, ARA would have a narrower carriageway width than the LAR, at only 6 metres overall, and it would not include works at the junction of Kneeton Lane and Silver Street, reducing costs further. CTC would expect that as a result of these factors the ARA would be around £1 million cheaper than the proposal.

The CTC acknowledges that ARA would include some additional cost elements, such as a second lit roundabout, a longer route overall and a temporary road to facilitate works to the east of the A1. Nonetheless, it is not convinced that the overall cost saving associated with the ARA would only be £300,000, as estimated by the HA;

- 2) It requires a significantly wider road corridor, increasing the environmental impact of the scheme and requiring the acquisition of considerably more land from adjoining owners;
- 3) The CTC acknowledges that the LAR design includes some departures from the standards set out in the DMRB, which would be likely to result in lower road speeds than would otherwise be the case. Nonetheless, the CTC considers that features of ARA,

which include a second roundabout would result in even lower speeds, creating road conditions that would be more attractive to cyclists; and,

- 4) The higher design standard is likely to attract significant volumes of traffic to use the LAR instead of using the motorway. The HA's own models predict that by the design year up to 2,500 vehicles per day would use the LAR in preference to the motorway. The CTC acknowledges that it is difficult to accurately model the likely re-distribution of traffic from the motorway to the LAR and that this is likely to be an over-estimate. Nonetheless, the effect would be likely to be contrary to Government policy to build motorways to relieve other roads and make them safer for cycling.

- 7.2.3 The HA appears to believe that it is bound by standards set by NYCC. It is submitted that this is not the case. The confirmation of the SRO would transfer the LAR to NYCC and it has no discretion as to whether or not it adopts it. Consequently, it has no power to insist on design standards, and the HA has complete discretion as to what standards it applies.
- 7.2.4 Given that the HA could have adopted a low-cost baseline option similar to that promoted by the CTC, the decision to publish a higher specification option must be regarded as scheme enhancement. There is nothing wrong in principle with this. However, the additional expenditure should have been subject to a value for money test using cost benefit analysis. The cost-benefit analysis presented by the HA fails to address this requirement. It compares the new motorway together with the LAR against a do-minimum scenario including neither. It shows a robust economic case for both elements taken together, but gives no information as to what incremental benefits flow from the incremental expenditure on the published scheme relative to a baseline option such as that proposed by CTC. So no economic justification has been made for the scheme enhancement. It is submitted that were the cost-benefit analysis to be carried out, the incremental benefits would be minimal in view of the very limited traffic required to use the LAR and the negligible time savings for other traffic which might use it in preference to the motorway.
- 7.2.5 The scheme enhancement requires additional land acquisition. As the HA is unable to show any public benefit for the additional cost, it follows that it cannot meet the rules, set out in Office of the Deputy Prime Minister Circular 06/2004-Compulsory Purchase and the Crichel Down Rules (Circular 06/2004), in respect of the compulsory purchase of the additional land.
- 7.2.6 The CTC urges the Inspector to recommend that the published orders be not made and that the HA should explore further a low-specification option that would be cheaper, take less land and be safer for cycle use.

7.3 ***The case for the British Horse Society*** (BHS)

- 7.3.1 The LAR is promoted as re-establishing severed links in the local network to the north of Scotch Corner which have developed over the years as a result of the development of the A1. However, the BHS considers that the LAR would not comply with guidance set out in DMRB TA 91/05⁶⁴ with respect to provision for NMUs and in particular the circumstances in which an off carriageway cycle route is recommended.
- 7.3.2 The BHS acknowledges that ridden horses can occupy a width of around 1.5 metres, as set out in DMRB TA 90/05⁶⁵, and the minimum 2 metre width requirement for equestrian use set out in that document would be exceeded by the proposed verges at 2.5 to 3 metres wide. Furthermore, although there is no link to routes to the south of Scotch Corner, the LAR would provide a route across the A1 from Kneeton Lane to Scotch Corner. However, BHS believes that the new LAR should provide the benefits to horse riders and other NMUs as promoted by the HA to the Inspector at the 2006 public Inquiry in relation to other LARs. That is, in addition to the verges proposed, providing a 1 metre hardstrip between the main carriageway area and each verge for the use of cyclists. A 1 metre separation strip, compared with the 0.3 metre hardstrip proposed, would also keep fast moving traffic further away from horses using the verges.
- 7.3.3 At liaison meetings NMU representatives were assured that traffic flows would be low on the LAR, around 500 vehicles per day (vpd) in the design year. It has emerged during the evidence that flows are expected to be around 2,000 vpd. Therefore, it is clear that the new LAR would attract significant additional traffic over and above the original predictions and these will then continue on the existing section of Kneeton Lane which joins it.
- 7.3.4 Whilst some equestrians may use the route in the form promoted by the HA, others would be likely to be deterred by the proximity and speed of passing traffic. Although the existing situation is not desirable, it is not acceptable in the view of the BHS to use it as an excuse to fail to provide what was promoted and accepted at the previous public Inquiry. The BHS asks for the agreed provisions to be applied in the interests of safety for all NMUs.
- 7.3.5 The BHS considers that insofar as ARA's additional roundabout and narrower carriageway width would be likely to slow traffic and make the route less attractive to motorists, thereby limiting traffic volumes, it has some merit. However, the design would result in quarry traffic using the highway and vehicles being even closer to equestrians using the verges along the route. Therefore, neither the proposed LAR nor ARA would be

⁶⁴ R9(b).

⁶⁵ T32 para 7.11.

ideal for equestrians.

- 7.3.6 With regard to the existing Kneeton Hall accommodation bridge, which carries a bridleway and private means of access, BHS does not dispute the findings of the HA NMU surveys, which did not record any equestrian use. Furthermore, it acknowledges that the replacement bridge would be wider and would have taller, more 'equestrian friendly' parapets. Nonetheless, the current bridge has a current weight limit of 32 tonnes and the proposed replacement would mean that horse riders would potentially share the bridleway bridge with 60 tonne quarry dump trucks. A request to future proof the bridge for the safety of NMUs with the installation of wiring for traffic lights, was dismissed by HA engineers as fanciful and unjustified. It is noted that no information was given regarding the additional cost of the upgraded bridge compared to replacing like for like. It does not seem equitable that a commercial user, such as the quarry operator, should get an upgrade as part of the scheme, but safety measures for vulnerable users of the public right of way should be dismissed out of hand.
- 7.3.7 For the surface of the LAR the BHS requests a surface finish which gives a positive profile, in order to make it safe for both ridden and driven horses. The BHS notes from the letter of 7 February 2014 from NYCC to the HA that discussions are still ongoing⁶⁶.
- 7.3.8 Finally, the BHS turns to its request for a link from the bridleway across the nKHAB into Dere Street. In the absence of a stopping up Order, it is likely that the full length of Dere Street remains a public road. The reason for the BHS's request for this link is to give horse riders a useable circular route on the west side of the A1 without the requirement to use the hostile Barton Interchange road underpass.
- 7.4 ***The case for the North Yorkshire Local Access Forum*** (LAF)

- 7.4.1 The LAF understands that the proposed LAR would have a carriageway width of 7.6 metres, in order to tie in with the section of Kneeton Lane into which it would run. This width would include a hardstrip margin on either side of around 0.3 metres. The LAF considers that a hardstrip margin width of 1 metre, which was promoted by the HA at the 2006 Inquiry in relation to other LARs, should be provided, notwithstanding that it has not been provided on the completed sections of the LAR to the south of Scotch Corner. A 1 metre width would provide a proper cycle lane. Furthermore, a cycle strip keeps vehicles away from verges used by horses. A narrow verge dramatically increases the risk of frightened horses causing motoring accidents. The LAF considers that the LAR should be constructed to a width that gives both traffic and NMUs the space that they need for actual and perceived safety, rather than a width that fits

⁶⁶ T50.

with the existing Kneeton Lane, which could easily be made broader with little expense. The meagre provision proposed would be so unattractively inadequate that it would not encourage cycling or other sustainable transport as promoted within Government policy and NYCC's own Local Transport Plan. NMUs should be able to travel on new roads with as much confidence as motorists.

- 7.4.2 The HA has suggested that the surface of the proposed LAR would be a thin surface course, which has been agreed with NYCC. Such a surface, unlike hot rolled asphalt, affords no grip to horses. The Highways Asset Manager at NYCC has told the LAF that there must have been a misunderstanding, as the thin surface course has a poor wearing time and so NYCC do not use it any longer on its new roads. It would be extraordinary if NYCC has agreed to a road surface with a poor maintenance life, which is officially recognised as highly unsuitable for carriage-driven and ridden horses.
- 7.4.3 The LAF considers that a linkage into the remains of Dere Street, from the bridleway bridge near to Kneeton Hall would make an obviously useful and safe route for NMUs. For the HA to protest that this is not within their remit or power is its typically negative response to NMUs needs. Sadly, cash strapped NYCC is unlikely to be able to further this really good route in the future.

The gist of the material points made by those objectors who did not appear at the Inquiries in their written submissions were:

7.5 ***The case for Councillor C Dawson*** (CD)

- 7.5.1 The new access road should follow the original route, staying on the west side of the A1, down Dere Street, as there has been no proof of Roman remains on this stretch of road. If this is done it would save millions of pounds, as 2 road bridges and some new lengths of road that are included in the proposed scheme would not be required. Furthermore, it would be safer.

7.6 ***The case for Mr G Townsend*** (GT)

- 7.6.1 My objections are focussed on two specific aspects of the proposed LAR.
- 7.6.2 Firstly, the proposed changes to the Silver Street/Kneeton Lane junction are opposed for reasons of highway safety. The junction improvements were not originally proposed and therefore, no concerns were raised previously. However, we have recently discovered that the junction change now forms part of the proposals on the basis that the HA wants to improve visibility and make provision for a ghost island to accommodate traffic turning from Silver Street into Kneeton Lane. The sweeping road running east, towards the village of Barton along Silver Street, from the

Barton A1 roundabout, is already seen by drivers and motorcyclists alike as an extension to the Croft Racing Circuit. The speed of traffic is excessive and is a great concern not only to ourselves, but also those of our neighbours when emerging from our road at Waterfall Terrace. Whilst it is understood that the proposed junction works are necessary for the safety of turning traffic, they would be likely to lead to traffic which is travelling from the A1 to Barton increasing its speed around the curving bend in the road, as there would be improved forward visibility and no need to slow for traffic turning off Silver Street. It would result in the dozen or so vehicles that emerge onto Silver Street from Waterfall Terrace being plagued with an ever increasing threat of even faster approaching traffic from the west. In order to avoid excess speeds and possible collisions with vehicles emerging from Waterfall Terrace consideration should be given to lowering the speed limit to 40 mph.

- 7.6.3 Secondly, there is a mature hedgerow of native species that would be removed if the scheme were to proceed. It stands atop an embankment which rises above the level of the road on the northern side of Silver Street. Although parts of the highway remain visible from our property, the bringing back of the bank and widening the verge to improve visibility for road users would have an adverse impact, as the road would be further opened up to view and there would be increased noise transfer to properties along Waterfall Terrace. Whatever compensatory planting takes place, it should amount to enhancement in comparison with what exists at present, in order to reflect the number of years that would pass before the planting matures and the possibility of species failure. I consider that a compensatory ratio of 1:3, a greater belt width of planting and a robust maintenance regime in its formative years would be necessary to mitigate the impact of removing the existing hedgerow.

7.7 ***The case for Mr S Dickinson*** (SD)

- 7.7.1 I object to the route along Kneeton Lane of the planned new relief road between Scotch Corner and the Barton junction on the A1.
- 7.7.2 Our property, North Road Farm, lies at the end of Kneeton Lane close to the junction between Kneeton Lane and Silver Street. We are a family with 2 children. My family members frequently walk, cycle, run and ride horses along Kneeton Lane. We can see from our property that Kneeton Lane is used by many cyclists, walkers and joggers other than ourselves and although there are grass verges along the highway, there are no footpaths for pedestrians. The verges along the lane are generally overgrown and the long grass hides debris from fly tipping, including glass bottles and litter, and there are some manholes with weak or missing covers. All of these are a hazard to pedestrians and especially to horse riders who may chose to use the grass verge. Therefore, walkers, joggers and riders tend to proceed along the carriageway.
- 7.7.3 I have looked at the various possible routes and I feel that the layout of

the preferred route would attract a lot more vehicles to use Kneeton Lane. This would mean an increase in traffic numbers. My other concern is the speed of the traffic travelling along the lane when leaving the A66. Locally the A66 is dual carriageway and the traffic travelling along it is generally fast moving. Some of that traffic would choose to use the proposed LAR. I fear that drivers of those vehicles, having travelled along a fast road, would continue travelling at speed along the new road onto the existing section of Kneeton Lane, which is predominantly straight and downhill with a sharp left hand bend at the bottom close to the junction with Silver Street.

7.7.4 It is my opinion that the increase in numbers and the speed of traffic associated with the preferred route would make Kneeton Lane unsafe for other road users.

7.7.5 If there is a definite need for a LAR along this section of the A1, then surely it would be more cost effective and more environmentally friendly to negate the need to build a huge bridge, with all its embankments, over the A1 and to keep the road on one side of the A1 between the two junctions.

7.8 ***The case for Mr J Stephenson*** (JS)

7.8.1 I object to the proposed LAR between Scotch Corner and Barton.

7.8.2 Our home, Kiln Head Spring, is at the end of Kneeton Lane close to the T-junction that connects Silver Street to the A1. I object on the grounds of safety for ourselves and our family who have to use the road to walk into Barton or to walk over to the lorry park to catch a bus into Darlington or Richmond. There are no footpaths on the road and in inclement weather, which unfortunately is most of the year in this area, we have to walk on the road. We also cycle on Kneeton Lane frequently. Creating the proposed access route would increase traffic volumes past our entrance many fold and would be very dangerous. Kneeton Lane is a country road and is not suitable for high volumes of traffic.

7.8.3 If the suggested route to the west of the A1 were to be used, it would eliminate the need to construct an extra bridge across the motorway with associated savings in cost.

8 THE CASE FOR THE COUNTER OBJECTORS

The gist of the material points made by those counter-objectors who appeared at the Inquiries in their written and oral submissions were:

8.1 The case for Councillor Etherington (CE)

8.1.1 Traffic problems in the village of Middleton Tyas are well documented and farm machinery movements cause particular problems due to the large size of the vehicles. Consequently, Middleton Tyas Parish Council, together with residents of the village, have put a lot of time into promoting the need for a LAR. It is also anticipated that works associated with the A1 improvements would also help to alleviate flood risks in parts of the village. The Parish Council does not support the alternative routes proposed by objectors, as they would delay the scheme and are of no merit. The narrowing of the carriageway to 6 metres included in ARA would make it more difficult to pass large farm vehicles, some of which can be around 4 metres wide.

8.2 The case for Mr & Mrs Swanston

8.2.1 We fully support the proposed LAR. However, we have concerns about the proposed alternatives that include the use of Dere Street. This street is narrow and so it is likely that it would need to be widened. Furthermore, access along the street is often restricted by vehicles waiting on the carriageway to enter the HA depot at the northern end of the street.

8.2.2 We are particularly concerned about ARC, which would involve the construction of a roundabout at the junction with the B6275, close to our property. This proposal is almost identical to that originally proposed in 1993, when the road scheme was first publicised. At that time local residents and businesses made representations as to the unsuitability of this route and the roundabout in particular. The land contours at this point are such that there would be around a 5 to 6 metre height difference between the east and west sides of the site of the proposed roundabout. It was felt that, without extensive and costly excavation to provide a level layout, this would encourage heavy goods and farm vehicles to tip over when negotiating the roundabout. We consider that the LAR now proposed by the HA appears to be the safest and possibly cheapest route.

The gist of the material points made by those counter-objectors who did not appear at the Inquiries in their written submissions were:

8.3 The case for English Heritage

8.3.1 The remaining alignment of Dere Street Roman Road north of Duckett Hill

Quarry retains strong characteristics of the alignment of the Roman Road and any new route or LAR along this alignment would cause considerable harm to its heritage significance. Therefore, we do not support ARB or ARC, each of which seek to utilise this part of the alignment of Dere Street.

8.4 ***The case for Mr & Mrs Hall***

8.4.1 We object to ARB and ARC. These 2 routes would both have an impact on Dere Street which would be unacceptable. The street is mainly used at the moment by local residents and farm vehicles. There is a motorway maintenance depot and a Police depot, both of which have gated compounds, which result in traffic queuing on the street while the gates open. The road is sometimes obstructed by those vehicles and there are blind summits approaching the depot gates in both directions. We consider that heavy goods vehicles from the quarry and vehicles from the depots would conflict. Furthermore, there are fields along the road which are directly gated onto Dere Street and so we occasionally have to bring horses and livestock onto the highway. In addition, it is extremely important that the remaining section of Dere Street retains its historic character. English Heritage has indicated that any alterations to this road would have a major impact on archaeological heritage. Furthermore, routes along Dere Street would be relatively expensive.

8.5 ***The case for CM Wharton***

8.5.1 I support the route proposed by the HA. ARC would affect access to land at Merrybent Farm by farm machinery.

8.6 ***The case for North Yorkshire County Council (NYCC)***

8.6.1 NYCC has liaised with the HA throughout the development of the proposed LAR. In addition to NYCC's Countryside Access Officer, various NMU user groups have also attended development meetings. Their concerns have been taken into account and during those meetings the view has been that this route would improve accessibility and provide opportunities for further improvements in the future. NYCC fully supports the proposed scheme and believes that, on balance, it is the best achievable for all interested parties.

8.6.2 NYCC does not support any of the alternative routes proposed for the following reasons:

ARA

- 1) The reduced width of the carriageway to 6 metres without any hardstrips would impact on NYCC's opportunity to undertake any required maintenance without closing the carriageway;

- 2) The additional compact roundabout and the 'T' junction would give equal priority to quarry traffic and Kneeton Hall to the detriment of traffic using the LAR. It is desirable that the LAR is free flowing where possible, particularly as when it is used as the diversion route for the A1 it is essential that traffic, which would include large articulated vehicles, can negotiate the route with minimal difficulty and delay;
- 3) Lighting would be required at the new roundabout which would have an environmental impact and increase maintenance costs; and,
- 4) Traffic would be closer to the verge without any hardstrips, which would reduce protection for NMUs.

ARB

- 1) The change in access rights would impact on the quarry access;
- 2) Dere Street would be used by quarry traffic/plant to access the quarry, which would cause conflict with other users, due to the limited available width of around 4 metres;
- 3) This route may sterilise some mineral resources in the north-east of the quarry in order to provide the new access into the quarry itself;
- 4) The route may also necessitate the quarry operator having to apply to NYCC to not comply with the terms of the existing planning permission, due to consequential implications arising from the new access on the design of future extraction and restoration of the quarry;
- 5) The relocation of the Kneeton Hall access bridge would require alterations to the bridleway and public footpath links in the Duckett Hill Quarry area; and,
- 6) Works on or adjacent to Dere Street may have an impact on archaeology in the area.

ARC

- 1) This route would impact the heritage, ecology and historic landscape in the area of Dere Street;
- 2) Lighting would be required at the new roundabout which would have an environmental impact and increase maintenance costs;
- 3) An additional NMUs crossing point would be required, at the staggered junction between Kneeton Hall and Kneeton Lane, to enable NMUs to cross the LAR;
- 4) The accommodation bridge linking the LAR to Kneeton Lane may create a 'rat run';
- 5) The route would sterilise mineral reserves on the land to the north of the current quarry void and potentially also sterilise reserves due to a standoff requirement for the new LAR route for health and safety 'fly rock' reasons;

- 6) The route would potentially require the import of material in order to infill part of the eastern side of the existing quarry void, which would have additional traffic implications;
- 7) It may necessitate the operator having to apply to NYCC to not comply with the terms of the existing planning permission, due to consequential implications arising from loss of part of the quarry beneath the new LAR on the design of future extraction and restoration of the quarry; and,
- 8) It is not clear from the scale of the plan supplied as to whether, and by how much, the proposed new roundabout with the B6275 would impact on the permitted quarry site on the northeastern side of that proposed roundabout. This site is Melsonby Quarry (Barton).

8.7 ***The case for Sherburn Stone Limited (SSL)***

- 8.7.1 Currently stone extracted from Duckett Hill Quarry is transported in dump trucks across Kneeton Hall accommodation bridge to Barton Quarry for processing, prior to onward sale. This is possible because it is not necessary for the trucks to use the public highway. It is therefore, advantageous both in terms of cost and impact on the local environment, as unnecessary lorry miles via a considerably longer route on the public highway (Kneeton Lane and Silver Street) by heavy goods vehicles are avoided. The route proposed by the HA would ensure that this arrangement is maintained and we support it.
- 8.7.2 Currently, there are no restrictions on the access rights enjoyed by Duckett Hill Quarry, except those imposed by conditions attached to the associated Minerals Permission⁶⁷. SSL would object to: any additional access restrictions, which would limit the current or future use of the quarry; and, the ownership of any part of the access track to the quarry being retained by any party other than the HA.
- 8.7.3 SSL does not support any of the alternative routes proposed for the following reasons:

ARA

- 1) This route would require the stone extracted from Duckett Hill Quarry to be transported to Barton Quarry for processing via the LAR. To do this it would be necessary to utilise HGVs permitted to travel on the public highway. In addition to traversing the LAR, they would have to travel along Kneeton Lane and Silver Street as it would not be possible for those HGVs to enter or leave Barton Quarry by any means other than the current site access through the Barton Quarry Services Area. This would lead to a considerable increase in both costs and impact on the local environment associated with HGV

⁶⁷ T51.

movements.

ARB

- 1) Like ARA, ARB would similarly result in the material extracted from Duckett Hill Quarry needing to be transported to Barton Quarry for processing in HGVs permitted to use the public highway via a considerably more circuitous route than at present, via Dere Street. This would lead to an increase in both costs and impact on the local environment associated with the HGV movements.
- 2) BB has suggested that stone from Duckett Hill Quarry could be transported to Barton Quarry using a conveyor belt beneath the A1. There is not enough information accompanying that suggestion to determine whether or not it would be viable or acceptable for the purposes of transporting stone. Nonetheless, in any event, it would not be appropriate for the purposes of removing the clay present at Duckett Hill Quarry. This would still need to be removed by HGV and so the suggested access route along the alignment of Dere Street would have to be capable of accommodating that traffic, in addition that associated with staff and plant coming and going.

ARC

- 1) In this case the route of the LAR would run through part of Duckett Hill Quarry, thereby sterilising a considerable volume of stone, in relation to which SSL would be entitled to compensation.

8.8 ***The case for A-one+***

- 8.8.1 A-one+ is the current maintenance service provider operating out of the Kneeton Motorway compound located towards the northern end of Dere Street. The number of vehicle movements associated with the compound can vary considerably depending on, amongst other things, schedules of maintenance work. However, a constant function is the operation of several winter service vehicles operating between the salt barn at the compound and the A1, A1(M), A66 and A66(M). Salt deliveries are carried out by articulated tippers and although in preparation for each winter season deliveries tend to be concentrated within a short period of time, additional deliveries may be required during the winter period. The compound is also used to undertake maintenance on the fleet of 20 winter service vehicles that operate in the area.
- 8.8.2 The entrance to the compound is off Dere Street, which otherwise only provides access to the adjacent HA Traffic Officer Service compound and two farms. Vehicular traffic associated with those other premises is minimal. The main entrance to the A-one+ compound is controlled by an electrically operated gate and so vehicles arriving at the site have to wait on the carriageway until it is opened.

- 8.8.3 ARB would result in increased use of Dere Street by large vehicles associated with Duckett Hill Quarry. This gives A-one+ concerns with respect to road safety, as there would be an increased risk of conflict between passing traffic and vehicles manoeuvring into and out of the compound. The narrow width of Dere Street is an issue for all goods vehicles using it to access the compound, but it is of particular concern in relation to winter service vehicles fitted with ploughs. Additional traffic would exacerbate this issue and would be unlikely to be addressed fully by the proposed provision of a passing place adjacent to the depot.
- 8.8.4 ARC would involve the construction of a new LAR passing immediately in front of the A-one+ compound, with access to the compound off the new road. The operation of the compound outlined above would give rise to stationary and/or slow moving large vehicles at a location on the LAR where other road users would be either accelerating southbound away from the associated roundabout or passing northbound towards the roundabout at speed. The use of the LAR as an emergency diversion route for A1 traffic would further exacerbate the potential for conflict. Furthermore, there would be accesses to three other premises from the LAR within a short distance of the roundabout.

9 REBUTTAL BY THE HIGHWAYS AGENCY

9.1 *Outstanding objections*

9.1.1 Before dealing with the detail of the objections it is worth noting their limited scope. There is no objection which takes issue with the principle of providing a LAR between Scotch Corner and Barton, and none which tries to reopen the question of the merits of the mainline upgrade of the A1 to motorway standard. Instead, the objections relate to matters of detail or the suggestion of alternative routes which are said to be worthy of investigation.

9.1.2 It is also necessary to bear in mind that many of the areas of evidence covered by the HA's technical witnesses are not challenged at all. The Secretaries of State will not have to grapple, for example, with any detailed challenges to the traffic modelling or economic assessment.

9.1.3 The HA's response to the outstanding objections is as follows.

9.2 *WG Baker Baker and the Trustees of the WG Baker Baker's 1990 Settlement* (BB)

9.2.1 This is the only outstanding statutory objection. It now relates only to the SRO. The objector promotes ARB. That would involve all of the same physical works that are encompassed in the promoted scheme, but the accommodation bridge at Kneeton Hall would only carry private rights of

access for the benefit of the land at Kneeton Hall and not for benefit of Duckett Hill Quarry. BB suggests that this would have the advantages of ensuring that quarry traffic would not: conflict with other users of the nKHAB; or, harm the visual and noise environment in the vicinity of the Hall.

Use of the nKHAB

- 9.2.2 The HA maintains its opposition to ARB. Although Duckett Hill Quarry is inactive at present, planning permission for mineral extraction is in place and the existing accommodation bridge at Kneeton Hall can lawfully be used either to move between that quarry and Barton Quarry east of the A1, which are both in Sherburn Stone Limited's control, or else to access the public highway.
- 9.2.3 There has been reference to a 32 tonne 'restriction' on the accommodation bridge. However, there is no evidence that there is any such restriction which can be enforced in any way. There is no evidence of the restriction being placed upon the access rights granted in respect of the quarry or of Kneeton Hall when the accommodation bridge was built. There is no evidence of any other legal mechanism being in place. The only objective indication of a restriction is the presence of a sign at one end of the bridge, referring to a 32 tonne limit. However, that sign is at the western end of the bridge and so vehicles coming from the east would have crossed the bridge by the time their drivers saw it. It follows that there is no secure evidential basis for concluding that a vehicle weighing more than 32 tonnes could not lawfully use the bridge.
- 9.2.4 Nor is there any basis for concluding that the bridge discussed at the 2006 inquiry would have been limited to carrying 40 tonne vehicles, as opposed to able to carry vehicles in excess of that weight. The HA's evidence to the 2006 Inquiry simply states that the bridge could carry vehicles of that weight and does not state that any restriction to that effect would be put in place or that it could not carry vehicles weighing more than 40 tonnes.
- 9.2.5 BB has also taken issue with the use by the quarry of an access which has been created directly from the area of Barton Quarry to the foot of the eastern approach of the Kneeton Hall accommodation bridge, which does not require vehicles to use the public highway. It is not known whether that access had any necessary permissions, whether in private law or in public law terms. However, what is clear, whenever and however it was created, there is no evidence that anyone has complained about it. The HA's clear, and unchallenged, evidence is that it would be preferable for vehicles of whatever size to use that access rather than the alternative of entering and leaving the highway within a very short distance.
- 9.2.6 Given that the ARB encompasses all the same physical works on the access to Kneeton Hall, the only basis for BB objecting to the HA's proposals can be that there is something unacceptable about the use of

the bridge by quarry traffic of all sizes, and not just vehicles over 32 tonnes in weight. Yet there is no cogent evidence to show that such an objection carries any weight. There can be no valid reason for objecting to quarry traffic of up to 32 tonnes using the replacement bridge, because that is what happens now and no detailed evidence to show why moving the accommodation bridge some 120 metres southwards from its present location would cause harm if 32 tonne vehicles used the bridge.

- 9.2.7 Nor is there any analysis from BB of the likelihood or consequences of quarry traffic and Kneeton Hall traffic using the same access, either in terms of safety or congestion or otherwise. Under the proposed scheme, the additional distance that quarry vehicles would have to travel to use the nKHAB, in comparison with the existing bridge, would be around 120 metres. However, that is not the additional distance along which the potential for conflict between quarry vehicles and Kneeton Hall vehicles would arise, because the additional distance exists along the route which would only be for quarry access. The distance of the shared access is not materially different from that which exists at present.
- 9.2.8 Nor is there anything other than the most rudimentary claim of landscape or visual harm from the presence of quarry vehicles. Even when the issue of landscape and visual harm was touched upon by BB in cross-examination of the HA, all that was done was to ask the witness what his view was and the subject was then left. There was no attempt to show that the witnesses judgement was in error when he concluded that the presence of large quarry vehicles would cause no material change in landscape or visual impacts when seen in the context of the overall scheme. The HA has offered to undertake earthworks and planting to screen this section from Kneeton Hall. BB gave no contrary detailed evidence of its own and, without meaning any disrespect, its witness has no relevant qualifications or experience in landscape and visual assessment. The objection is simply an understandable, but unmeritorious, attempt to avoid sharing the accommodation bridge with quarry traffic. BB did not even express support for the BHS' arguments about the use of the accommodation bridge by quarry traffic and NMUs.
- 9.2.9 Given the lack of any formal restriction on the weight of vehicles using the existing accommodation bridge, the terms of the 1999 Review of Minerals Permission (ROMP) and the lack of any reasoned explanation why the use of the bridge by up to 60 tonne vehicles during operations is objectionable, it is submitted that there is no reason to conclude that the HA's proposals are unacceptable in relation to their impact upon BB's interests at Kneeton Hall.

Use of Dere Street

- 9.2.10 As published, ARB shows physical works being undertaken to Dere Street so as to provide access to and egress from Duckett Hill Quarry. The HA estimates that the cost of ARB would be around £1 million higher than that

of the proposed scheme⁶⁸. During the course of the inquiries BB has promoted a 'hybrid' proposal, which would involve the provision of a conveyor beneath the A1 to transport stone between Duckett Hill Quarry and Barton Quarry. BB suggests that less extensive works to Dere Street would be required as a result. Nonetheless, the HA does not agree, as explained below, and estimates that it would add a further cost to the ARB of over £800,000.

- 9.2.11 The terms of the decision notice issued in 1999, imposing new conditions pursuant to a ROMP as required by the Environment Act 1995 are crystal clear. Condition no. 4 provides⁶⁹:

'Access to the site shall be via the existing access over the A1 from Kneeton Lane, and no other access shall be used. This access shall be kept clean and maintained in a good standard of repair, free of potholes for the life of the operations.'

- 9.2.12 That condition renders BB's ARB unacceptable. In the absence of a conveyor between the two quarries, all traffic would have to use Dere Street or the accommodation bridge. The use of Dere Street is prohibited by the ROMP. Turning to ARBa, even if there was a conveyor, then some plant and equipment would still have to be placed in the quarry for excavation and loading purposes. The vehicles bringing that plant and equipment to the quarry could not lawfully use Dere Street. The adoption of ARB or ARBa would therefore mean that the mineral operator had no lawful means of accessing Duckett Hill Quarry. The effect would be to deprive the operator of the benefit of its extant planning permission and would hand BB control of a very considerable opportunity to ransom the operator for access to their own quarry.

- 9.2.13 There are other cogent reasons why ARBa ought to be rejected. The suggestion of the provision of a conveyor between the two quarries is unworkable. The quarry operator's information shows that clay has been and can be removed from the quarry and that it falls within the definition of a 'mineral' and not 'overburden'⁷⁰. There is no breach of condition no. 22 of the 1999 ROMP in removing clay. Clay or mixed clay and stone could not utilise such equipment. It would not remove the need to use the Dere Street for some access, which is prohibited. As the HA's evidence shows, the use of Dere Street would require works to its surface and the provision of passing places, even if access were only required for the delivery of plant and equipment, not the routine access and egress of goods vehicles. BB was unable to challenge that evidence. Similarly, the HA's evidence shows that such works to Dere Street would cause harm to the significance of the heritage assets comprised in the eighteenth century historic landscape of Dere Street and would also potentially affect

⁶⁸ T03.

⁶⁹ T51.

⁷⁰ T52 1991 quarry lease para 1 'sandstone limestone clay and shale ("the minerals").

archaeological features shown on geophysical surveys⁷¹. It is most important to note that English Heritage object to ARB and ARC. There is no evidential basis to support BB's contention in the summary table at the end of its proof, that ARB is neutral in cultural heritage terms when compared to the preferred scheme.

- 9.2.14 The HA's evidence shows that ARB would result in the loss of vegetation, shrubs and trees forming part of a bat foraging and commuting route and the loss of trees with potential as a roost. This evidence was also effectively unchallenged. If a roost were affected, then the destruction of the roost would have to be licensed by Natural England. One of the tests for the granting of a licence pursuant to the Habitats Directive and Regulation 53 of the *Conservation of Habitats and Species Regulations 2010* is 'that there is no satisfactory alternative': Regulation 53(9)(a). However, there is a satisfactory alternative, namely the proposed scheme.
- 9.2.15 Even if Dere Street was capable of being acceptably used by quarry vehicles, the unchallenged evidence of the HA is that the use of Dere Street by vehicles which also visited Barton Quarry, would add 2,500 metres to a journey if the current egress from the quarry was used, or 1,500 metres if the Barton Services exit was used. If road going vehicles, less than 60 tonnes, had to be used, there would therefore be more vehicles travelling a longer distance than under the HA's proposals.
- 9.2.16 None of these elements of the HA's case rely upon the fact that it is believed that the length of Dere Street south of the fence across it has been stopped up. The Orders made when the A1 was improved to dual carriageway are not available, but NYCC's records support the view that it is stopped up⁷². The fact that Ordnance Survey information has proved, by BB, to be wrong elsewhere at Greta Bridge is nothing to the point. The HA does not say that ARB is unacceptable simply because it believes that Dere Street has been stopped up. But the status of Dere Street does complicate pursuing ARB as an option still further, given the lack of clarity over the status of Dere Street south of the fence.
- 9.2.17 The statutory objector's ARB and ARBa are devoid of merit and do not warrant further investigation.

9.3 ***The Cyclist's Touring Club*** (CTC)

- 9.3.1 As set out above, the point taken by the CTC about the alleged local traffic model predicting too high flows on the LAR does not actually help its objection. That is because the DMRB would not require that link and junction design, including carriageway width, would have to change even if the CTC, or any of the other earlier and lower estimates of flows, were

⁷¹T29.

⁷²T59.

- right. If that is so, then the consequence of the model over-stating flows on the LAR simply means that cyclists would use the LAR alongside fewer motorised vehicles in practice.
- 9.3.2 The CTC expresses incredulity that ARA would only cost about £300,000 less to construct than the proposed scheme. That conclusion is not at all surprising. The CTC focuses on the cost saving to be obtained from providing a square bridge carrying the LAR over the A1. However, the CTC alternative also includes significant items of works which are not required by the proposed scheme, namely:
- a) A lit roundabout at Kneeton Hall;
 - b) An additional 0.43 km length of LAR;
 - c) An additional 145 metres of access road;
 - d) A temporary road to facilitate the changes at the Kneeton Lane end of the square bridge over the A1 of some 850 metres in length; and
 - e) Resultant additional land and rights acquisition costs.
- 9.3.3 There is thus no significant cost saving in the ARA.
- 9.3.4 Nor is there any merit in requiring a lower speed limit on the LAR. The CTC accepted in cross-examination the sense of NYCC and NYP not wanting the imposition of a speed limit, the enforcement of which would be unlikely.
- 9.3.5 As NYCC would be the highway authority for the LAR, it plainly makes sense for their requirements to be borne in mind. It would be unwise in the extreme for the HA to promote a scheme when it knew that the highway authority responsible for the road would object. In any event, the evidence has shown that the HA has not simply 'rolled over' in the face of NYCC's requirements, as the LAR carriageway width is narrower than the County Council originally sought and narrower than the DMRB standard for a single carriageway road of 7.3 metres. The use of a 7.0 metre running carriageway width was chosen as it is consistent with the width of the section of Kneeton Lane into which the LAR would link. The provision of a consistent cross section is good practice.
- 9.3.6 ARA would have significant disadvantages over the preferred option. It would:
- a) Impose a lit roundabout within the setting of the Listed Kneeton Hall;
 - b) Cause Kneeton Hall traffic, quarry traffic and LAR traffic to come into contact with each other for a greater length of highway than the preferred scheme and the roundabout would give quarry traffic the same priority as other traffic, including cyclists and other NMUs;
 - c) Introduce features which would impede the free flow of traffic on

the LAR, namely the roundabout and the Kneeton Lane junction;

- d) Cause equestrians to occupy either a narrower carriageway alongside vehicles or else to use the verge in closer proximity to vehicles; and
- e) The roundabout in ARA would also be located over areas of interest shown in the geophysical surveys.

9.3.7 It is submitted that ARA is a very poor idea and that further investigation of it is not warranted.

9.4 ***The British Horse Society*** (BHS)

9.4.1 The BHS objection needs to be seen in the light of two matters:

- a) The paucity of evidence, even anecdotal, about the use of the local highway network by NMUs, particularly the existing Kneeton Hall accommodation bridge; and,
- b) The improvements that the proposals would bring for NMUs, including equestrians for east-west movement and north-south movement, and the provision of equestrian-friendly verges on the OB and the provision of equestrian-friendly parapets on the OB and the nKHAB.

9.4.2 The lack of a 1 metre separation strip between verges and the outer extent of the running carriageway of the LAR is not a problem. The carriageway width of the LAR would be 7.6 metres, which includes a 0.3 metre width on either side of the demarcation of the running carriageway's outer extent. That strip is not a cycle lane, but serves three purposes:

- a) It keeps vehicles away from the edge of the carriageway, as there would not be kerbed edges to the LAR;
- b) It safeguards against any spill over of vegetation or other materials from the verge into the carriageway in between maintenance visits; and,
- c) It provides for drainage facilities to run in the edge of the road, but not where vehicles travel.

9.4.3 The LAR would have verges on each side of it, which would be a minimum width of, according to location, 2.5 metres or 3 metres. It is important to stress that the HA has confirmed that this is a minimum *clear* width, so if an object needs to be accommodated in the verge, then the verge would be wider in that location to provide for the minimum clear width. The BHS acknowledged that this would exceed the minimum 2 metre width

requirement for equestrian use set out in DMRB TA 90/05⁷³.

- 9.4.4 The surveys undertaken indicate that equestrian activity in the area is very low, even along the bridleway that crosses the existing Kneeton Hall accommodation bridge. Furthermore, traffic levels along the LAR are likely to be relatively low. Under these circumstances, the HA considers that the combination of verge and hardstrip proposed would provide an acceptable route for NMUs, given the nature and function of the LAR and the amount of traffic using it.⁷⁴
- 9.4.5 Indeed, the BHS' position is illogical. It says it supports the CTC scheme. But that would bring traffic into conflict with equestrians at junctions in a way which the preferred scheme would not and would have a carriageway width of only 6 metres. The potential for conflict between equestrians and vehicles in the CTC scheme is plainly greater.
- 9.4.6 For the reasons set out above when dealing with BB's objection, there is no firm basis for concluding that the potential for conflict between quarry traffic and equestrians on the replacement Kneeton Hall accommodation bridge is any greater in the preferred scheme than in the no-scheme world. Indeed, the proposed bridge must reduce the potential for conflict because the existing bridge has a carriageway width of 3.66 metres and a total width between parapets of 4.74 metres. The equivalent figures for the proposed bridge are 4 metres and 5.2 metres.
- 9.4.7 Given these matters, there can be no justification for the provision of traffic signals at the replacement accommodation bridge, even during periods when the quarry is active.
- 9.4.8 The suggestion by BHS that a bridleway should be established between Kneeton Hall accommodation bridge and Dere Street would be outside both the envelope of the proposed scheme and the remit of the HA. A public right of way exists between those locations and NYCC have indicated that if requested to do so, it would review the existing provision⁷⁵.
- 9.4.9 The LAR would significantly improve facilities available to equestrians.
- 9.5 ***The North Yorkshire Local Access Forum*** (LAF)
- 9.5.1 To put it bluntly, there is no evidence to show that the witness speaks for anyone other than herself and maybe the chair of the LAF. Her appearance was not sanctioned by any formal meeting of the LAF and

⁷³ T32.

⁷⁴ P8 para 4.2.3, 6.3.6.

⁷⁵ T01.

there is no evidence to show that other members even knew what she was going to say, let alone agreed with it. As the inquiry heard, the membership is made up of people with interests other than as equestrians, including landowners and business.

9.5.2 The LAF's written objection raises matters of the same nature as those raised by the BHS and there is no need to repeat the HA's response.

9.5.3 The LAF's witness did, however, raise a point about the surfacing of the LAR. The very recent email from the County Council shows that it wishes to see the LAR surfaced in hot rolled asphalt. The HA believes that a thin wearing course treatment will be appropriate. Given that there would be verges of more than adequate width along the LAR and that crossing points along the LAR would be provided with a surface which was non-slip for horses, there is no reason to conclude that the HA's proposals are inadequate. This is, in any event, an issue for the detailed design of the LAR and not a matter within the scope of the deliberations required as to whether the Scheme and Orders before the inquiries should be made.

9.6 **Councillor C Dawson** (CD)

9.6.1 CD has not attended the inquiries to promote his alternative. The HA points to the response to this alternative in Appendix C of the report discussing route options⁷⁶, which formed the basis for the relevant entries in the tables appended to documents T02 and T03. ARC has the following significant disadvantages when compared to the proposed scheme:

- a) The northern part of the ARC would severely damage the historic character of Dere Street;
- b) The route would impact upon archaeological features identified in geophysical surveys, with the approaches to roundabout required at the northern end of the route, and the roundabout itself, impacting upon what may be an earlier phase of the Roman Road;
- c) English Heritage do not support ARC;
- d) The route would adversely affect the important bat flight line along Dere Street and the important roosting opportunities at Duckett Hill Quarry;
- e) The works would sterilise mineral reserves in Duckett Hill Quarry; and,
- f) The works would cost significantly more to construct than the preferred scheme: about £2.6 million more.

9.6.2 There is no reason to conclude that ARC would be preferable to the promoted scheme and it is submitted that ARC does not warrant further

⁷⁶ M3

investigation.

9.7 **Mr G Townsend** (GT)

9.7.1 This objector raises two points:

- a) A safety concern about speeds at Silver Street on the approach to Waterfall Terrace; and,
- b) A concern about the opening up of views of the road when viewed from Waterfall Terrace.

9.7.2 The improvements to forward visibility at Silver Street would not be achieved by changing the radius of the bend but by widening the verge to achieve an improvement. As a result, drivers would drive at a speed which they consider appropriate for the road alignment, and the provision of the ghost island would not cause an increase in speed. Waterfall Cottage, where the objector lives, is about 300m from the Kneeton Lane junction, and there is no reason to think that vehicle speeds would be any different there after the works were completed.

9.7.3 As to the second point; the junction would remain in cut, any views would be screened by proposed landscaping by the design year and the junction changes would have no detrimental effect upon the noise climate at GT's property.

9.8 **Mr S Dickinson** (SD) & **Mr J Stephenson** (JS)

9.8.1 The objectors suggest that Kneeton Lane currently does not have adequate provision to cater for NMUs, mainly due to a lack of maintenance. Whilst the HA are not in a position to comment on the details of the maintenance undertaken by NYCC on this section of their highway network, it can confirm that on the new sections of LAR promoted by the HA the verges would have a minimum clear width of 2.5 metres.

9.8.2 Regarding the use of the routes by NMUs, the HA undertook surveys south of the properties in question at the junction of Kneeton Lane and the bridleway over Kneeton Hall accommodation bridge. From these surveys, it is evident that the route is relatively lightly used. In the 16 days of survey (8am to 6 pm) at that location between 2004 and 2013 there was only one equestrian and one pedestrian recorded using the route, although there was one survey day (2008) when 31 cyclists passed along the route.

9.8.3 Regarding the increase in traffic numbers predicted to use Kneeton Lane, the HA would seek to advise that the increase in numbers would be relatively small, with the main users being:

- a) Traffic prohibited from using the motorway network;
- b) Users requiring access along the route; and,

c) Users who chose to use the local road network in preference to the motorway.

- 9.8.4 It is predicted that in the Scheme opening year the increase in vehicle numbers would be a maximum of 1,900 vehicles per day. Whilst the HA would not disagree that Kneeton Lane is a country road, the predicted traffic volumes are still low for the standard of the road in question.
- 9.8.5 Currently, Kneeton Lane is not subject to any speed restrictions and the national speed limit of 60 mph therefore applies to this route. Speed surveys undertaken indicate that, on the straight sections of the route, speeds approaching the national limit are currently experienced. It is not anticipated that there would be any changes to these speeds on the existing sections of Kneeton Lane, or Silver Street, as the changes being promoted within the HA proposals only improve the junction between Silver Street and Kneeton Lane, but would not change the physical alignment of these roads.
- 9.8.6 Furthermore, in an attempt to reduce speeds on the new section of highway between Scotch Corner and Kneeton Lane, the HA proposal introduces geometric features in the alignment to reduce speeds. The introduction of a stepped reduction in the horizontal curve radii in the alignment, from a design speed of 100 kph to 70 kph, either side of the proposed bridge over the A1 trunk road would provide a degree of traffic calming to reduce speeds.
- 9.8.7 An assessment has been undertaken to provide a comparison between an alignment to the west of the A1, ARC, and that proposed by the HA. This assessment indicated that whilst there are a number of similar impacts, the layout proposed by the HA would be lower in cost and would have no impact on areas of cultural heritage interest.
- 9.9 **Conclusion**
- 9.9.1 The HA considers that the alternative routes promoted by objectors do not have merit and do not require further investigation. In determining whether to require further investigation of the alternatives it should, in the HA's submission, be borne in mind that such a course would endanger the programme and critical path for the completion of the Leeming to Barton works.

10 CONCLUSIONS

Bearing in mind the submissions that I have reported, I have reached the following conclusions, references being given in square brackets [] to earlier paragraphs where appropriate.

10.1 **The A1 Motorway (Dishforth to Barton Section) Supplementary Compulsory Purchase Order No.5 (No MP..) 20..**

10.1.1 Circular 06/2004 confirms that a compulsory purchase order should only be made where there is a compelling case in the public interest and the purposes for which the compulsory purchase order is being made sufficiently justify interfering with the Human Rights of those with an interest in the land affected.

The Public Interest

Need for the proposed scheme

10.1.2 The proposals the subject of these Inquiries form the final part of the Schemes and Orders which are necessary to facilitate the upgrade of the A1 to motorway standard along its length between Dishforth and Barton.^[5.1.1]

10.1.3 In the 2008 Decision Letter, concerning the A1 Motorway Dishforth to Barton Improvement Scheme, the Secretaries of State concluded that the failure to provide a LAR road along the Scotch Corner to Barton section of the proposed motorway was unsatisfactory.^[5.1.2] They concluded that the HA should give further consideration to Objector's Alternatives OA23 and OA24, and bring forward a proposal in supplementary Orders.^[5.1.3] The HA has used the original scheme brief for the A1 Dishforth to Barton Trunk Road Improvement as well as the 2008 Decision Letter and the accompanying Inspector's Report to establish the objectives of the LAR as follows:

- The original scheme brief identifies a requirement to meet the needs of local and non-motorway traffic, including non-motorised users and public transport.^[5.1.4]
- In their decision letter, the Secretaries of State accepted the finding of the Inspector that, whilst a LAR could not be expected to accommodate more than a fraction of the traffic displaced from the motorway following a major accident, a LAR was advisable to assist.^[5.1.5]

10.1.4 I consider that these objectives appear to be a reasonable interpretation of the requirements of the Secretaries of State.

- 10.1.5 The HA gave detailed consideration to the two alternatives and, after investigation and consultation with key bodies and persons, determined that OA24 was preferable to OA23.^[5.1.3] I will return to this below when considering the merits of ARC, which is based on OA23.
- 10.1.6 The proposal would comprise a new short length of trunk road running from the A66 Scotch Corner junction to a new roundabout, which as well as linking to the LAR, would provide access to the proposed northbound slip road of the A1M, a farm holding and a VOSA facility. From the roundabout the LAR would run along the western side of A1M before crossing via a new overbridge (OB) and linking into Kneeton Lane at a new T-junction which would give priority to LAR traffic. The LAR would comprise a 7 metre wide running carriageway, with 0.3 metre wide hardstrips on either side together with a 3.0 metre wide west verge and a 2.5 metre wide verge to the east. There would be no further changes to Kneeton Lane until its junction with Silver Street, where the junction would be improved to assist with right turns into Kneeton Lane from Silver Street and to enhance visibility. The new route would be subject to a 60 mph speed limit, in common with Kneeton Lane. The existing Kneeton Hall accommodation bridge over the A1, which provides access to the Hall, an adjacent farm and Duckett Hill Quarry and forms part of a bridleway, would be replaced with the nK HAB providing for access to those properties and continuity of the bridleway.^[5.2.1]

The LAR

- 10.1.7 There is no dispute that the proposed LAR would be capable of meeting the needs of local and non-motorway motorised traffic as well as assisting in the passage of motorway traffic through the area in the event of a motorway closure between the Scotch Corner and Barton interchanges.^[5.1.6] Its benefits would also be likely to include providing traffic relief to local villages, Middleton Tyas and Melsonby.^[6.1.1, 7.2.1]
- 10.1.8 Currently NMUs wishing to travel north/south between Scotch Corner and Barton have to use the circuitous local road network. The LAR would provide a more direct route; the proposed carriageway would provide a route for cyclists and the verges would facilitate access for pedestrians and equestrians.^[5.3.6] N MU friendly verges along with equestrian style parapets would be provided on the OB.^[9.4.1]
- 10.1.9 In relation to the LARs promoted at the 2006 Inquiry by the HA, it indicated that 1 metre wide hardstrips would be provided for the use of cyclists. BHS considers that the same should apply here, not least as they would increase the separation distance between equestrians using the verges and passing traffic, thereby improving safety. Furthermore, it suggests that the LAR would not comply with guidance set out in DMRB TA 91/05 with respect to provision for NMUs and in particular the circumstances in which an off carriageway cycle route is recommended.^[7.3.1] However, TA 91/05 indicates that its purpose is to

highlight the needs of NMUs on trunk roads, which the LAR would not be, and even then that its criteria should not be applied rigidly, but using judgement⁷⁷.

- 10.1.10 The LARs promoted in 2006 by the HA were expected to accommodate annual average daily traffic flows in excess of 7,300 vehicles⁷⁸. By comparison the HA has predicted that by the design year a far lower number of vehicles would be likely to use the LAR; up to around 2,500 vehicles per day and there is no dispute that this figure is likely to be an overestimate.^[5.9.4, 5.9.5] Furthermore, NMU surveys undertaken by the HA, in accordance with the DMRB, indicate that usage of NMU routes in the study area is low.^[5.3.5] Whilst, in written representations to the Inquiries, a small number of local residents suggest that Kneeton Lane is relatively well used by NMUs, that assertion has not been supported by survey information and was not subject to cross-examination, and so I give it little weight.^[7.7, 7.8] In these circumstances, the HA has determined that it would be appropriate for cyclists to use the carriageway. Furthermore, given that ridden horses can occupy a width of around 1.5 metres, the proposed arrangement would provide for a gap between an equestrian and the running carriageway of around 1.8 metres to the west of the LAR and 1.3 metres to the east.^[7.3.2, 9.4.3] The HA considers that the levels of separation proposed between equestrians and the running carriageway would be adequate to mitigate against the potential for perceived safety concerns amongst equestrians.^[9.4.4] At crossing points along the LAR the carriageway would be provided with a surface which is non-slip for horses, to facilitate the safe passage of equestrians.^[7.3.7, 7.4.2, 9.5.3] Taking all these factors into consideration, as well as the advice set out in DMRB TA 91/05 and TA 90/05, in my judgement, the LAR would make reasonable and adequate provisions to meet the needs of NMUs, including pedestrians, cyclists and equestrians.

The nKHAB

- 10.1.11 The nKHAB would replace the existing Kneeton Hall accommodation bridge and would be positioned a short distance to the south of that existing crossing. In common with the bridge it replaces, the nKHAB would provide the sole means of vehicular access to the three residential properties under development at Kneeton Hall, the adjacent farm and Duckett Hill Quarry as well as forming part of a bridleway route.^[7.1.2]
- 10.1.12 Given the small number of properties at Kneeton Hall and the low levels of use of the existing crossing by NMUs, I consider that traffic associated with those sources is likely to be limited.^[5.3.5] Although Duckett Hill Quarry is inactive at present, the HA has indicated that peak traffic associated with the quarry may comprise up to 60 movements a day of

⁷⁷ R9 TA 91/05 para 3.21.

⁷⁸ O6 para 3.3.19.

- non-road going dump trucks with a capacity of around 60 tonnes.^[7.1.2]
I understand that at the 2006 Inquiry it was anticipated that quarry traffic would comprise 40 tonne vehicles and a number of parties now suggest that vehicles up to 60 tonnes should not be accommodated.^[7.1.9, 7.1.3, 7.3.6]
- 10.1.13 However, planning permission is in place for mineral extraction from the quarry and the existing accommodation bridge can be lawfully used by quarry traffic.^[9.2.4] Whilst non-road going vehicles may be used, this would not necessarily cause a deterioration in the quality of the route, given that the Minerals Permission requires that it is kept clean and maintained in a good standard of repair.^[9.2.11] Although there is a sign at the western end of the existing bridge which refers to a 32 tonne weight limit, the HA has confirmed that it is not aware of any restriction being placed upon the access rights granted to the quarry or of any other legal mechanism being in place to prevent the use of the route by 60 tonne vehicles.^[9.2.5] As regards the nKHAB, the HA has confirmed that it would be designed in accordance with the DMRB and consequently would be capable of accommodating the vehicles and plant likely to be used at the quarry.^[5.2.1] It would also be wider than the existing accommodation bridge and would have equestrian friendly raised parapets.^[9.4.1, 9.4.6] The length of the access route shared by Kneeton Hall and Duckett Hill Quarry traffic would not be materially different from the current access arrangement.^[9.2.7] Under the circumstances, I consider that the potential for conflict arising between the quarry traffic and the limited number of other users of the route would be low and would be unlikely to give rise to any significant issues in relation to either safety or convenience. I see no need for provision to be made for the future installation of traffic lights at the crossing, as suggested by the BHS.^[7.3.6, 9.4.7]
- 10.1.14 The bridleway route proposed by BHS, between Kneeton Hall accommodation bridge and Dere Street, lies outside the envelope of the proposed scheme and the scope of Scheme and Orders.^[7.3.8, 7.4.3, 9.4.8] In my view, it is a matter for the consideration of NYCC in the first instance.
- 10.1.15 I consider overall that the nKHAB would make appropriate provisions for the likely vehicular and NMUs.
- 10.1.16 Notwithstanding the view expressed by BB at the Inquiry that it should perhaps be graded higher, Kneeton Hall is a Grade II Listed Building. The EIA indicates that its significance arises from the architectural information it provides about post-medieval construction techniques and multi-phases of construction and that its setting does not contribute to its significance⁷⁹. I have not been provided with any compelling evidence to the contrary. The proposed scheme would not have a direct impact on the Hall. Furthermore, in my judgement, the replacement of the existing

⁷⁹ K2 page 75.

accommodation bridge with the nKHAB, around 120 metres further to the south, would not materially alter the setting of the Hall, which is experienced in a landscape that includes the existing bridge and the A1. Earthworks proposed by the HA would help to minimise the visual impact, from vantage points at Kneeton Hall, of the proposed works and traffic associated with it and it is likely that the impact would be fully mitigated once planting proposed by the HA has matured.^[9.2.8] As regards to the impact of noise associated with quarry traffic on the living conditions of residents of Kneeton Hall; in light of the intervening distances and proposed earthworks as well as the existing noise environment associated with the A1, I consider its impact is unlikely to be significant. In relation to these matters, no substantial evidence to the contrary has been provided and these findings are consistent with those of the EIA.

- 10.1.17 To my mind, the proposed route across the nKHAB may necessitate the quarry operator having to apply to NYCC to modify the conditions attached to its Minerals Permission, which restricts access to the existing crossing over the A1 from Kneeton Lane.^[9.2.11] However, given that the nKHAB would also provide access via Kneeton Lane and NYCC's general support for the scheme, I have no reason to believe that consent would be likely to be withheld.^[8.6.1]

Kneeton Lane/Silver Street

- 10.1.18 The proposed works at the junction of Silver Street/Kneeton Lane include widening the verge on the northern side of Silver Street in order to improve forward visibility for east bound drivers.^[9.7.2] In response to concerns raised by residents of Waterfall Terrace that this would be likely to encourage higher speeds, the HA has indicated that as their properties are around 300 metres from the limit of the proposed works, the speed of vehicles passing their properties would be unlikely to be significantly increased.^[9.7.2] In any event, it would be open to the local highway authority to instigate speed control measures if it was considered necessary along Silver Street.^[7.6.2]
- 10.1.19 Works at the Kneeton Lane/ Silver Street junction would also include the removal of some existing planting along the northern side of Silver Street in order to widen the verge to improve forward visibility.^[7.6.3] It appears to me that the degree to which that existing planting screens the highway from view from Waterfall Terrace is limited, as illustrated by the photographic evidence provided by GT⁸⁰. Against this background and given that the proposed scheme would include some planting to compensate for any loss, the impact of the works on the visual amenity of Waterfall Terrace residents is likely to be small.^[9.7.3]

- 10.1.20 The HA's expert evidence confirms that the noise impact of traffic at the

⁸⁰ R10.

improved Kneeton Lane/Silver Street junction on the noise environment experienced by residents of Waterfall Terrace would be insignificant in comparison with the noise contribution from other sections of Silver Street.^[9.7.3] I give greater weight to that evidence than the unsupported, generalised concerns of residents of Waterfall Terrace that the works may lead to a noticeable deterioration.^[7.6.3]

- 10.1.21 I acknowledge that the numbers of vehicles using Kneeton Lane would be likely to increase as a result of the proposed scheme. However, I have no reason to believe that traffic speeds, which already are often close to the speed limit, would increase significantly.^[9.8.5] The design of the LAR includes a number of departures from DMRB standards with the aim of limiting traffic speeds.^[9.8.6]
- 10.1.22 Whilst SD and JS have suggested that Kneeton Lane is well used by NMUs, I give little weight to this unsupported assertion, which is contradicted by the documented surveys undertaken on behalf of the HA.^[9.8.2] Furthermore, in my view, the proposed verge widening works at the junction of Kneeton Lane/Silver Street would be likely to improve facilities there for pedestrians and equestrians. Maintenance of the existing verges along Kneeton Lane to ensure that they are suitable for use by NMUs is a matter for the local Highway Authority.^[9.8.1]
- 10.1.23 In my judgement, the scheme would be unlikely to have a significant effect on the safety or convenience of users of Kneeton Lane.

EIA

- 10.1.24 Following the Dishforth to Barton improvement Environmental Statement, the Leeming to Barton section, including the LAR, has been subject to a further Environmental Assessment Report in May 2013, which has since been updated by a Supplementary Environmental Assessment Report in July 2013. The main findings of these EIAs include:
- a) The LAR would not have a significant landscape or visual effect in the opening or design years beyond those already identified in the published 2006 Environmental Statement for the original scheme. The maturation by the design year of the mitigation planting will mean that there would be only slight or moderate adverse landscape effects in the context of the A1 upgrade as a whole, which is not considered to be significant. In terms of visual impact, by the design year effects would be reduced to non-significant levels due to the establishment of landscape mitigation;
 - b) As regards ecology; there are no predicted effects on any designated sites. Habitats to be lost have been assessed as having only local nature conservation value. Overall, the residual effect of the LAR on nature conservation interests would be only slight

adverse and therefore not significant for the purposes of environmental assessment;

- c) Whilst the LAR has the potential to adversely to affect surface water bodies within the study area, mitigation measures and good site practices would be adopted which would prevent or minimise adverse effects, so that effects of no more than slight adverse significance would remain. The Environment Agency does not object to the proposals.
- d) During construction, there would be minor adverse effects at the most affected noise sensitive receptors with appropriate mitigation measures in place. During operation, the significance of noise effects is expected to be slight adverse at the most affected noise sensitive receptor.
- e) The air quality assessment has shown that, with the adoption of appropriate mitigation measures, there would be no greater than negligible air quality effects during the construction and operational phases of the LAR; and,
- f) The assessment of the effects on archaeology, historic buildings and historic landscapes indicates that with mitigation in place, the residual significance of effects would be slight adverse.

10.1.25 The inquiries have been completed with no-one challenging the legal validity or the adequacy of the content of those EIA documents. I have taken their findings into account in reaching my conclusions.^[5.10]

Conclusion

10.1.26 In my judgement, the proposed scheme would satisfactorily meet the LAR objectives set out in paragraph 10.1.3. I turn now to consider the relative merits of the alternative routes promoted by objectors; ARA; ARB and ARBa; and ARC.

Alternative routes

ARA

10.1.27 The ARA would include a narrower carriageway, at 6 metres wide, than the proposal, which would have a 7.0 metre wide running carriageway, with a 0.3 metre wide hardstrip on either side.^[2.4.1] Furthermore, it would include one less bridge crossing and would not include works at the Kneeton Lane/Silver Street junction. There is no dispute that significant cost savings would be associated with these particular reductions in work. The CTC has estimated that the difference would be around £1 million.

However, the CTC acknowledges that ARA would include a number of significant cost items that are not required for the proposed scheme.^[7.2.2] Whilst the proposed LAR would be wider, ARA would require additional lengths of both permanent and temporary road and an additional lit roundabout. The HA has estimated that the land and rights costs of the ARA would be higher and when all these factors are taken into account the cost of the ARA option would be only around £300,000 cheaper than the proposed scheme overall, a relatively small potential saving.^[9.3.2] No alternative estimate has been provided by the CTC.

- 10.1.28 The proposed scheme would provide an uninterrupted route for north/south traffic between the Violet Grange Farm roundabout and Silver Street. In contrast, north/south traffic using ARA would negotiate the proposed Kneeton Hall roundabout and turn to or from the minor arm at the Kneeton Cottages junction. These additional manoeuvres would be likely to slow traffic, potentially making the route less attractive to vehicles, resulting in lower levels of usage of ARA. In these particular respects ARA may provide a more attractive route for cyclists and other NMUs.^[7.2.2] However, the narrower carriageway would be likely to result in vehicles travelling closer to NMUs, such as equestrians, using the verges; potentially increasing their safety concerns. Furthermore, the additional junction would increase the potential for conflict between vehicles and NMUs.^[9.3.6]
- 10.1.29 The narrower ARA would also reduce the scope for NYCC to undertake any required maintenance work without closing the carriageway.^[8.6.2] Furthermore, it would increase the likelihood of the free flow of traffic being interrupted by large agricultural vehicles, which Middleton Tyas Parish Council anticipates will use the LAR rather than travelling through its village.^[8.1.1] Other disadvantages associated with ARA include that the additional lit roundabout would be likely to harm the setting of Kneeton Hall, a Grade II Listed Building.^[9.3.6]
- 10.1.30 I do not share the view of the CTC that the proposed scheme has been designed to unduly high standards.^[7.2.2] The view of the HA that, even if the flows were lower than it predicts, the DMRB would not suggest that different standards be adopted, was not disputed by others. Furthermore, departures from the DMRB's standards have been included on some design elements by the HA. For example; whereas the DMRB suggests a 7.3 metre width for a single carriageway route, the LAR would have a running carriageway width of 7.0 metres, which would be consistent with the width of the section of Kneeton Lane into which it would link. The HA has indicated that the use of a consistent width amounts to good practice and this was not disputed either.^[9.3.5]
- 10.1.31 The full Leeming to Barton scheme has been the subject of economic appraisal, the results of which indicate that it represents high value for money.^[5.7.1] The HA has indicated that it is not possible to divorce the appraisal of the proposed scheme before the Inquiries from the benefits of

the wider A1 upgrade scheme when using modelling procedures available to the HA. I have not been provided with any compelling evidence to the contrary. Nonetheless, the HA has provided a comparison of the merits of the proposed scheme versus the alternatives promoted by objectors, including ARA.^[5.7.2] Consideration has been given to costs as well as a number of other relevant factors. Having had regard to that analysis and the other evidence presented, I consider on balance that the identified potential benefits of ARA would be significantly outweighed by its disadvantages.^[7.2.4, 7.2.5]

- 10.1.32 In my judgement, the ARA is not worthy of further investigation and I am content that, in comparison with the proposal the subject of the published Scheme and Orders, it is not to be preferred.

ARB

- 10.1.33 ARB would involve all of the same physical works that are encompassed in the proposed scheme, but the nKHAB would only carry private rights of access for the benefit of the land at Kneeton Hall and not for benefit of Duckett Hill Quarry. Instead of approaching the quarry from the south, the route to Duckett Hill Quarry would be along Dere Street, to the north.^[9.2.1] BB considers that this would have the advantages of ensuring that quarry traffic would not: conflict with other users of nKHAB; or, harm the visual and noise environment in the vicinity of the Hall.^[7.1.5]
- 10.1.34 Works would be required to the existing running surface of Dere Street and it would be necessary to provide passing places. In my view, the passing places would address the concerns raised by a number of residents and operators of properties along Dere Street that quarry traffic would add to the access restrictions caused by vehicles associated with the motorway maintenance depot, which often queue along the street waiting to enter the depot.^[8.2, 8.4, 8.5, 8.8] The HA has estimated that the cost of ARB would be over £1 million greater than the proposed scheme and this has not been disputed.^[9.2.10]
- 10.1.35 Unlike the proposed scheme, which would provide a route between Duckett Hill Quarry and Barton Quarry avoiding local roads, ARB, which would necessitate the use of Dere Street by all traffic associated with Duckett Hill Quarry, would significantly increase the journey distance between the two. Furthermore, it would be likely to necessitate the use of smaller road-going vehicles, rather than the previously mentioned dump trucks and so would result in more trips.^[9.2.15] In the context of the aims of local and national policy to promote sustainable transport, these factors weigh against ARB.
- 10.1.36 In an effort to minimise the amount of quarry traffic that would pass along Dere Street, at the Inquiry BB suggested a hybrid option ARBa. This would involve the construction of a box culvert beneath the A1 to house a conveyor, which would transfer extracted stone from Duckett Hill Quarry

to the processing plant at Barton Quarry.^[7.1.6] However, based on the evidence presented, it appears likely to me that clay won from the site should be regarded as a mineral which could also be exported under the terms of the Minerals Permission, rather than overburden which could not.^[7.1.8] Furthermore, there is no dispute that it would not be practical to use the proposed stone conveyor to also transport clay, which would have to be done by road. Nevertheless, the HA has confirmed that even if Dere Street was only required for the delivery of plant and equipment, and not routine access for goods vehicles, works to its surface and the provision of passing places would still be required.^[9.2.13] It has estimated overall that the box culvert works would increase the cost of ARB by more than £800,000.^[9.2.10] This was not disputed by BB. In addition, the installation of the culvert would delay work on the upgrading of the A1, albeit by a limited number of weeks.^[7.1.9]

- 10.1.37 In common with its position on ARA, English Heritage has confirmed that that any new route or LAR along the alignment of Dere Street would be likely to cause considerable harm to its heritage significance.^[8.3.1, 9.2.13] I give greater weight to the assessment of English Heritage than the views of BB in relation to the impact on heritage assets, which are not supported by expert evidence.
- 10.1.38 The HA expert evidence also indicates that the upgrading of Dere Street would be likely to result in the loss of some vegetation, shrubs and trees that form part of a bat foraging and commuting route, and may result in the loss of a roost. If this were the case, under the terms of the *Conservation and Habitats and Species Regulations 2010* it would not be licensed by Natural England if it could be demonstrated that a satisfactory alternative was available, which appears likely on the basis of my findings in relation to the proposed scheme.^[9.2.14] However, there have been no recent surveys to establish the presence of bat roosts and so whilst this matter weighs against ARB and ARBa, I give it little weight in light of the uncertainty regarding the likely impact of the works on protected species.
- 10.1.39 Some minerals resources in the north-east of the quarry may be sterilised in order to provide the suggested access from Dere Street.^[8.6.2] Furthermore, in order to use Dere Street as an access to the quarry it is likely that the quarry operator would have to apply to NYCC to modify the conditions of its Mineral Permission.^[9.2.11] Given NYCC's objection to the use of Dere Street there appears to be a significant risk that consent may not be given, leaving the operator with no lawful means of vehicular access to the quarry.^[8.6.2]
- 10.1.40 The evidence as to whether the southern section of Dere Street was stopped up in the past is not conclusive.^[7.1.5, 9.2.16] If it were not, then the element of the HA's estimate related to land costs would be likely to reduce to a degree. However, in total the lands estimate only amounts to around £796,000 and so it is likely that ARB and ARBa would remain more

expensive than the proposed scheme⁸¹. In the event that it was formally determined that this section of Dere Street has been stopped up, it would further complicate the implementation of those alternatives.

- 10.1.41 In my judgement, the identified potential benefits of ARB and ARBa would be significantly outweighed by their disadvantages. They are not worthy of further investigation and I am content that, in comparison with the proposal the subject of the published Scheme and Orders, they are not to be preferred.

ARC

- 10.1.42 As I have indicated, ARC is based on OA23. There is evidence to show that the HA has given detailed consideration to the merits of ARC relative to the proposed scheme. It estimates that ARC would cost around £2.6 million more. The HA's finding that this alternative would harm the historic character of a former Roman road, Dere Street, is supported by English Heritage, who objects to it for that reason. It may also adversely affect archaeological features along the route, identified in geophysical surveys. Furthermore, it would sterilise mineral reserves in Duckett Hill Quarry.^[9.6.1]
- 10.1.43 In contrast, CD, who promotes this alternative did not appear at the Inquiry and has not provided any evidence in support of the assertions set out in his letter of objection. I consider that greater weight should be afforded to the results of the HA's investigations.
- 10.1.44 In my judgement, ARC is not worthy of further investigation and I am content that, in comparison with the proposal the subject of the published Scheme and Orders, it is not to be preferred.

Conclusion

- 10.1.45 I consider that, in comparison with the proposal the subject of the published Scheme and Orders, the identified alternatives are not to be preferred and are not worthy of further investigation. I am also conscious that they would be likely to delay the completion of the wider scheme and benefits expected to flow from it, and this adds further weight to my finding.^[6.2, 6.3, 6.4, 6.5, 9.9.1]

Policy

- 10.1.46 An assessment has been carried out of the extent to which the LAR integrates with relevant national and local planning policy. The overall

⁸¹ T03 table.

conclusion of that assessment was that the LAR accords with the relevant planning policy framework, including the encouragement given by the National Planning Policy Framework and the North Yorkshire Local Transport Plan 2011-16 to sustainable transport.^[5.4.6] In light of my findings above, I am content that this is the case.

Economic appraisal

- 10.1.47 In 2013, following the inclusion of the LAR, the HA updated its economic appraisal of the Leeming to Barton section of the A1 upgrade scheme. It confirms a Benefit to Cost Ratio under the central scenario of 2.1, which constitutes high value for money. If the journey time reliability benefits of the scheme are taken into account the Benefit to Cost Ratio is even higher.^[5.7.1] These matters have not been disputed and I have no reason to do so.

Land requirements

- 10.1.48 Having had regard to the Land Reference Plans⁸², showing how each plot in the CPO would be used for various aspects of the scheme, in my judgement, it is necessary to acquire the titles and rights sought by the Order, subject to the CPOa modifications, for the implementation of the other associated Orders and Scheme. This is not disputed by anyone.

Availability of the necessary resources

- 10.1.49 Confirmation of scheme funding, in accordance with the HA's December 2013 business case was approved by HM Treasury in January 2014.^[5.6.1] Contractor involvement in the LAR scheme is secured, in the form of the Carillion Morgan Sindall Joint Venture which has been appointed to deliver the wider scheme.^[5.8.1] I consider therefore, that the resources necessary to acquire the land and rights set out in the CPO and to implement the scheme are likely to be available within a reasonable timescale.

Potential impediments to implementation

- 10.1.50 The evidence is that no particular difficulties are anticipated concerning necessary agreements and consents still to be secured.^[5.11.6] I consider therefore, that there are no impediments which would be likely to prevent implementation of the scheme.

⁸² T40

Conclusion

- 10.1.51 Confirmation of the Order is required now to ensure that the benefits of the proposed scheme can be brought forward in a timely and cost effective manner. I conclude on balance, that there is a compelling case in the public interest for the CPO, subject to CPOa amendments, to be made.

Human Rights

- 10.1.52 Circular 06/2004 indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the *Human Rights Act 1998 (as amended)* (HRA). That is;

'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

- 10.1.53 The land subject to the CPO is from 13 landholdings with 7 tenancies. Approximately 75% of this land is agricultural or woodland and around 25% is existing highway. The CPO does not seek to acquire any residential properties.⁸³ The effect of the CPO would be to deprive those parties identified in its schedules of titles and/or rights to land. With the modification sought in respect of the proposed removal of plots S1/6E and S1/6H (CPOa), there is now no objection to the inclusion of any plots within the CPO. The Land Reference Plans⁸⁴ show how each plot in the CPO is to be used for various aspects of the scheme.^[5.11.5] I consider that no land or rights would be unnecessarily acquired.
- 10.1.54 I consider that the benefits that would result from the proposed scheme demonstrate both the compelling case in the public interest for the CPO, subject to CPOa amendments, to be made and consistency with local and national policy. The land titles and rights sought by the CPO, subject to CPOa amendments, are a proportionate response to the needs of the proposals. In my judgement, there is clear evidence that the public benefits associated with the CPO, subject to CPOa amendments, would outweigh the private loss of those people with an interest in the land and that the interference with their Human Rights would not be

⁸³ T43.

⁸⁴ T40.

disproportionate.

Conclusions

10.1.55 I conclude on balance, that the purposes for which the CPO would be made sufficiently justify interfering with the Human Rights of those with an interest in the land affected. Furthermore, I conclude that the tests set out in Circular 06/2004 would be met and the CPO, modified in accordance with CPOa, should be made.^[7.2.5]

10.2 The A1 Motorway (Dishforth to Barton Supplementary Side Roads) Order No.4 20..

10.2.1 If I am to recommend that this SRO be made, I need to be satisfied in the following respects:

- In relation to the stopping up of highways, that another reasonably convenient route is available or will be provided before the highway is stopped up⁸⁵.
- In relation to the stopping up of private access to premises, that: no means of access to the premises is reasonably required; or, that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of section 125(1)(b) or otherwise⁸⁶.

10.2.2 The HA has confirmed that the Schedules to this Order show that in all cases where stopping up of highways would take place, another reasonably convenient route would exist. In relation to private means of access to be stopped up a reasonably convenient alternative would be provided in all but two cases. Those two exceptions fall within the category of cases where no other means of access is required because, in one case, the access would be shared with another new means of access and, in the other, because the access is unused and an alternative means of access is already used.^[5.11.4] These matters are not disputed by others and I have no reason to do so.

10.2.3 I conclude that the requirements would be met and that the Order should be made.

10.3 The A1 Motorway (Scotch Corner to Barton Connecting Roads) Scheme 20..

10.3.1 If I am to recommend that this Scheme be made, I need to be satisfied in the following respects:

⁸⁵ Section 18(6) of the Highways Act 1980.

⁸⁶ Section 125(3) of the Highways Act 1980.

- That the requirements of local and national planning, including agriculture, have been taken into consideration.⁸⁷
- 10.3.2 An assessment has been carried out of the extent to which the proposed scheme aligns with relevant national and local planning policy. The overall conclusion of that assessment was that it accords with the relevant planning policy framework. The assessment is contained in the Environmental Assessment Report and the Supplementary Environmental Assessment Report. Furthermore, the 'land use' assessments in section 8 of those reports consider the effects of the scheme upon agricultural land and so the scheme's effects upon agriculture have been taken into account. Less than 1% of the land required would comprise '*best and most versatile agricultural land*'. [5.11.1]
- 10.3.3 I consider that the relevant requirements would be met and that the Scheme should be made.
- 10.4 **The A1 Motorway (Dishforth to Barton Supplementary Appropriation) Order 20..**
- 10.4.1 If I am to recommend that this Order be made, I need to be satisfied in the following respects:
- That another reasonably convenient route is available or will be provided for traffic prohibited from using the highways to be appropriated before the appropriation takes effect⁸⁸.
- 10.4.2 Traffic prohibited from using the highways to be appropriated as special roads would have another reasonably convenient route available to it, namely the LAR, before the appropriation took effect.[5.11.2]
- 10.4.3 I consider that the relevant requirements would therefore be met and that the Order should be made.
- 10.5 **The A66 Trunk Road (Scotch Corner Junction to Violet Grange Farm) Order 20..**
- 10.5.1 If I am to recommend that this Order be made, I need to be satisfied in the following respects:
- That having taken into consideration the requirements of local and national planning, including the requirements of agriculture, that it is expedient for the purpose of extending, improving or reorganising the

⁸⁷ Section 16(8) of the Highways Act 1980.

⁸⁸ Section 18(6) of the Highways Act 1980.

national system of routes for through traffic.⁸⁹

- 10.5.2 As set out above, the requirements of national and local planning and agriculture have been taken into consideration when formulating the scheme for improving the trunk road network, of which the provisions of this Order form part. Furthermore, I consider that it is expedient to make the Order, in order to achieve not just the full scheme of trunk road improvement before these inquiries but also so as to be able to complete the Leeming to Barton improvement scheme.^[5.11.3]
- 10.5.3 The relevant requirements would therefore be met and that the Order should be made.

11 RECOMMENDATIONS

- 11.1 I recommend that the **A1 Motorway (Dishforth to Barton Section) Supplementary Compulsory Purchase Order No.5 (No MP..) 20..**, subject to CPOa amendments, be made.
- 11.2 I recommend that the **A1 Motorway (Dishforth to Barton Supplementary Side Roads) Order No.4 20..** be made.
- 11.3 I recommend that the **A1 Motorway (Scotch Corner to Barton Connecting Roads) Scheme 20..** be made.
- 11.4 I recommend that the **A1 Motorway (Dishforth to Barton Supplementary Appropriation) Order 20..** be made.
- 11.5 I recommend that the **A66 Trunk Road (Scotch Corner Junction to Violet Grange Farm) Order 20..** be made.

I Jenkins
INSPECTOR

⁸⁹ Section 10(2) of the Highways Act 1980.

12 APPENDICES

APPENDIX 1

FOR THE HIGHWAYS AGENCY:

Mr M Carter Of Counsel He called	Instructed by the Highways Agency.
Mrs S Forte-Gill BEng CEng MICE.	Senior Project Manager, The Highways Agency.
Ms A Cox BSc(Hons) MSc MCILT.	Associate Director, AECOM Consultants.
Mr P Beswick BA(Hons) Dip LA.	Technical Director, Enzygo Limited.
Mr A Ross BSc DipPollCon(Open) CEng MICE MCIHT.	Regional Director, AECOM Consultants.
Mr J Kirby BEng(Hons) CEng MICE.	Chief Engineer, Carillion Morgan Sindall Joint Venture-A1 Dishforth to Barton Improvement Scheme.
Mr A Barker C.Env MCIEEM BSc(Hons).	Technical Director, Enzygo Limited.
Mr B Vyner BA(Hons)(Archaeol) FSA.	-

FOR SUPPORTERS:

Mr J Allison	Local resident and business owner.
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FOR OBJECTORS:

The Cycle Touring Club represented by Dr J Sugden BSc PhD CEng MICE MCILT.	-
The North Yorkshire Local Access Forum represented by Mrs R Connolly	Committee Member.
WG Baker Baker and Trustees of the 1990 Settlement represented by Mr W Salvin	WHT Salvin.
The British Horse Society represented by Ms C Bradley	Access and Bridleway Officer.

FOR COUNTER-OBJECTORS:

Middleton Tyas Parish Council -
represented by
Councillor K Etherington

Mr H Swanson Local resident.

APPENDIX 2 – CORE DOCUMENTS

CORE DOCUMENTS	
Series	Draft Orders published 18 July 2013
A1	The A1 Motorway (Scotch Corner To Barton Connecting Roads) Scheme 20..
A2	The A1 Motorway (Dishforth To Barton Supplementary Appropriation) Order No.2 20..
A3	The A66 Trunk Road (Scotch Corner Junction To Violet Grange Farm) Order 20..
A4	The A1 Motorway (Dishforth To Barton Supplementary Side Roads) Order No.4 20..
A5	Public Notice for the Highways Act Orders
A6	The A1 Motorway (Dishforth To Barton Section) Supplementary Compulsory Purchase Order No.5 (No MP ..) 20..
A7	Public Notice for the Land Acquisition Orders
A8	Explanatory Statement into the draft Orders published on 18 July 2013, (Dated 18 July 2013)
Series	Government Policy & Plans
B1	The Future of Transport: A Network for 2030 (2004)
B2	National Cycling Strategy (July 1996)
B3	Highways Agency Business Plan 2013-2014 (inc Annex A)
B4	Department for Transport Business Plan 2012-2015, updated May 2012
B5	Department for Transport Business Plan Annexes 2012-2015, updated May 2012
B6	Department for Transport Business Plan Revisions 2012-2015, updated May 2012
B7	Autumn Statement 2012, December 2012
B8	Autumn Statement 2013, December 2013
B9	One future – different paths, The UK’s shared framework for sustainable development (2005)
B10	Action for Roads - A network for the 21st century
Series	Legislation
C1	Highways Act 1980
C2	Acquisition of Land Act 1981
C3	Land Compensation Act 1973
C4	Environmental Protection Act 1990
C5	Water Resources Act 1991
C6	Road Traffic Regulations Act 1984
C7	Noise and Statutory Nuisance Act 1993
C8	Wildlife and Countryside Act 1981
C9	The Countryside and Rights of Way Act 2000 (CRoW Act)
C10	The Hedgerow Regulations 1997
C11	Wild Mammals Protection Act 1996

CORE DOCUMENTS	
C12	Protection of Badgers Act 1992
C13	Ancient Monuments and Archaeological Areas Act 1979 (as amended)
C14	Environment Act 1995
C15	Part IV of the Environment Act 1995, Local Air Quality Management, Policy Guidance (PG09 - 2009)
C16	Land Drainage Act 1994
C17	Control of Pollution Act 1974
C18	Planning and Compensation Act 1991
C19	Town and Country Planning Act 1990
C20	The Countryside Act 1968
C21	The Salmon and Freshwater Fisheries Act 1975
C22	National Parks and Access to the Countryside Act (1949)
C23	New Roads and Street Works Act 1999
C24	Water Industry Act 1991
C25	Electricity Act 1989
C26	Gas Act 1995
C27	Telecommunications Act 1984
C28	Traffic Signs Manual (Chapter 8 - Part 1) 2009
C29	Traffic Signs Manual (Chapter 8 - Part 2) 2009
C30	Flood and Water Management Act 2010
C31	Highway and Railway (Nationally Significant Infrastructure Project) Order 2013 SI 2013/1883
Series	Regulations
D1	The Highways (Assessment of Environmental Effects) Regulations 1988 (SI 1988/1241)
D2	The Highways (Assessment of Environmental Effects) Regulations 1994 (SI 1994/1002)
D3	The Highways (Assessment of Environmental Effects) Regulations 1999 (SI 1999/369)
D4	Noise Insulation Regulations 1975 (SI 1975/1763)
D5	Noise Insulation (Amendment) Regulations 1988 (SI 1988/2000)
D6	Air Quality Regulations 2007
D7	Air Quality Limit Values Regulations 2001
D8	Air Quality Limit Values (Amendment) Regulations 2004)
D9	Surface Water (River Ecosystem) (classification) Regulations 1994 (SI 1057)
D10	The Groundwater Regulations 1998 (SI 2746)
D11	The Conservation (Natural Habitats, etc) Regulations 1994, as amended 2000 (Habitats Regulations)
D12	The Highways (Inquiry Procedures) Rules 1994 (SI 1994/3263)
D13	The Compulsory Purchase by Ministers (Inquiries Procedure) Rules 2007 (SI 2007/3617)
D14	Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990 (SI 1656)

CORE DOCUMENTS	
D15	Town and Country Planning (Environmental Impact Assessment) Regulations (2011)
D16	The Highways Noise Payment and Movable Homes (England) Regulations 2000
D17	The Highways Noise Payment and Movable Homes (England) (Amendment) Regulations 2000
D18	The Highways Noise Payment and Movable Homes (England) (Amendment) Regulations 2001
D19	Surface Water Quality Regulations 2000
D20	The Street Works (Sharing of Costs of Works)(England) Regulations 2000 (SI 2000 No 3314)
D21	The Street Works (Recovery of Costs)(England) Regulations 2002 (SI 2002 No. 2091)
D22	Environmental Damage (Prevention and Remediation) Regulations 2009
D23	Environmental Damage (Prevention and Remediation) (Amendment)Regulations 2010
D24	Flood Risk Regulations 2009
D25	Anti-Pollution Works Regulations 1999
D26	The Air Quality Standards Regulations 2010 Statutory Instrument No.1001.
Series	European Union Directives
E1	EC Directive on the Assessment of Certain Public and Private Projects on the Environment (85/337/EEC)
E2	Directive 97/11/EEC, which amends Directive 85/337/EEC
E3	EC Freshwater Fisheries Directive (78/659/EEC)
E4	EC Directive on the Conservation of Wild Birds (Birds Directive 1979) as amended (79/409/EEC)
E5	The EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC) also called the Habitats Directive
E6	The Groundwater Directive (80/68/EEC as amended by 91/692/EEC)
E7	EC Dangerous Substances Directive 76/464/EEC.
E8	Water Framework Directive 2000/60/EC.
E9	Bern Convention (1979). Convention on the Conservation of European Wildlife and Natural Habitats.
E10	2007/60/EC Floods Directive
Series	Planning Policy Statements (PPS), Planning Policy Guidance (PPG) And Regional Planning Guidance⁹⁰
F1	Planning Policy Statement 1: Delivery Sustainable Development (2007)
F2	Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)

⁹⁰ The majority of which is no longer extant.

CORE DOCUMENTS	
F3	Planning Policy Statement 9: Biodiversity & Geological Conservation (2005)
F4	Planning Policy Statement 23: Planning and Pollution Control (2004)
F5	Pollution Prevention Guidance 1 – General guide to water pollution and prevention
F6	Pollution Prevention Guidance 2 – Above ground oil storage tanks
F7	Pollution Prevention Guidance 3 - Use and design of oil separators in surface water drainage systems
F8	Planning Policy Guidance 13: Transport (2001)
F9	Planning Policy Guidance 15: Planning and the Historic Environment (1994)
F10	Planning Policy Guidance 16: Archaeology and Planning (1990)
F11	PPG 17 Planning for Open Space, Sport and Recreation
F12	Pollution Prevention Guidelines 21 – Pollution incidence response planning
F13	Pollution Prevention Guidelines 22 – Dealing with spillages on highways
F14	Pollution Prevention Guidelines 23 – Maintenance of structures over water
F15	Planning Policy Guidance 24: Planning and Noise (July 1994)
F16	Planning Policy Guidance 25: Development and Flood Risk (2001)
F17	Pollution Prevention Guidelines 5 – Works in, near or liable to affect watercourses
F18	Pollution Prevention Guidelines 6 – Working at construction and demolition sites
F19	Pollution Prevention Guidelines 8 – Safe storage and disposal of used oils
F20	Pollution Prevention Guidelines 14: Development on Unstable Land (1990)
F22	National Planning Policy Framework (NPPF) 2012
F23	National Planning Policy Framework (NPPF) Technical Guidance, 2012
F24	Adapting to Climate Change, UK Climate Projections 2009, Defra
F25	National Infrastructure Plan: Update 2012
F26	Planning Policy Statement 25
F27	National Infrastructure Plan 2013
F28	National Roads Programme, a Road Based Safety Study for A1 Bramham to Barton
Series	Local Planning Guidance
G1	North Yorkshire County Council Local Transport Plan 2011- 2016
G2	The Richmondshire District Council Core Strategy 2012
G3	The Richmondshire District Council Local Plan 1999 - 2006
G4	Richmondshire District Council. Richmondshire Biodiversity Action Plan.
G5	North Yorkshire 'People, Paths & Places The Rights of Way Improvement Plan for North Yorkshire 2007-2011 (RoWIP)
Series	Design Standards, Advice And Guidance (digital copy)
H1	Design Manual for Roads and Bridges Volume 1: Approval Procedures and General Design
H2	Design Manual for Roads and Bridges Volume 2: Highway Structures

CORE DOCUMENTS	
H3	Design Manual for Roads and Bridges Volume 3: Inspection and Maintenance
H4	Design Manual for Roads and Bridges Volume 4: Geotechnics and Drainage
H5	Design Manual for Roads and Bridges Volume 5: Assessment of Preparation of Road Schemes
H6	Design Manual for Roads and Bridges Volume 6: Road Geometry
H7	Design Manual for Roads and Bridges Volume 7: Pavement Design and Maintenance
H8	Design Manual for Roads and Bridges Volume 8: Traffic Signs and Lighting
H9	Design Manual for Roads and Bridges Volume 9: Network – Traffic Control and Communication
H10	Design Manual for Roads and Bridges Volume 10: Environmental Design and Management
H11	Design Manual for Roads and Bridges Volume 11: Environmental Assessment
H12	Design Manual for Roads and Bridges Volume 12: Traffic Appraisal of Road Schemes
H13	Design Manual for Roads and Bridges Volume 13: Economic Assessment of Road Schemes (COBA Manual)
H14	Design Manual for Roads and Bridges Volume 14: Economic Assessment of Road Maintenance (QUADRO Manual)
H15	Guidance on the Methodology for Multi-Modal Studies (GOMMMS, Vol 1) (2000)
H16	Guidance on the Methodology for Multi-Modal Studies (GOMMMS, Vol 2) (2000)
H17	Applying the Multi-Modal Approach to Appraisal to Highway Schemes ('The Bridging Document') (2001)
H18	HM Treasury revised edition of its Green Book, Appraisal and Evaluation in Central Government, (2003)
H19	Major Scheme Appraisal in Local Transport Plans: Part 1: Detailed Guidance on Public Transport and Highways Schemes (2002)
H20	ODPM Circular 02/03 : Compulsory Purchase Orders
H21	GOMMMS Supplement - Transport Appraisal and the new Green Book (2003)
H22	Guidance for Safer Temporary Traffic Management, TRL Ltd, 2002
H23	Towards a balance with nature: Highways Agency Environmental Strategic Plan (1999)
H24	Calculation of Road Traffic Noise (1998)
H25	WebTAG guidance (available at website www.WebTAG.org.uk)
H26	Clements, D & Tofts, R J (1992). Hedgerow Evaluation and Grading System (HEGS): A Methodology for the Ecological Survey, Evaluation and Grading of Hedgerows (Test Draft). Countryside Planning and Management.
H27	Cresswell W & Whitworth R (2004). English Nature Research Report Number 576, An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt Triturus cristatus. English Nature, Peterborough.
H28	Defra and Environment Agency (2002). CLR7 Assessment of Risks to Human Health from Land Contamination: An Overview of the Development of Soil Guideline Values and Related Research

CORE DOCUMENTS	
H29	Defra and Environment Agency (2002). CLR8 Priority Contaminants for the Assessment of Land.
H30	Defra and Environment Agency (2002). CLR9 Contaminants in Soil: Collation of Toxicological Data and Intake Values for Humans.
H31	Defra and Environment Agency (2002). CLR10 The Contaminated Land Exposure Assessment Model (CLEA): Technical Basis and Algorithms.
H32	Defra and Environment Agency (2002). R&D Publication SGV 1 Soil Guideline Values for Arsenic Contamination, March 2002.
H33	Defra and Environment Agency (2002). R&D Publication SGV 3 Soil Guideline Values for Cadmium Contamination, March 2002.
H34	Defra and Environment Agency (2002). R&D Publication SGV 4 Soil Guideline Values for Chromium Contamination, March 2002.
H35	Defra and Environment Agency (2002). R&D Publication SGV 5 Soil Guideline Values for Inorganic Mercury Contamination, March 2002.
H36	Defra and Environment Agency (2002). R&D Publication SGV 7 Soil Guideline Values for Nickel Contamination, March 2002.
H37	Defra and Environment Agency (2005). Science Report SGV 8 Soil Guideline Values for Phenol Contamination, October 2005.
H38	Defra and Environment Agency (2002). R&D Publication SGV 9 Soil Guideline Values for Selenium Contamination, March 2002.
H39	Defra and Environment Agency (2002). R&D Publication SGV 10 Soil Guideline Values for Lead Contamination, March 2002.
H40	Defra and Environment Agency (2004), Science Report SGV 15 Soil Guideline Values for Toluene Contamination, December 2004.
H41	Defra and Environment Agency (2005). Science Report SGV 16 Soil Guideline Values for Ethylbenzene Contamination, December 2004 updated April 2005.
H42	Environment Agency website (2004). Dangerous substances, Table 1: Environmental Quality Standards (EQS) for List 1 Dangerous Substances, EC Dangerous Substances Directive (76/464/EC), 13th October 2004.
H43	Institute of Ecology and Environmental Management (IEEM) (2005). Guidelines for Ecological Impact Assessment, Final Draft. IEEM.
H44	CIRIA Report C532 "Control of water pollution from construction sites"
H45	The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 which transposes the Water Framework Directive 2000/60/EC.
H46	The Surface Waters (Dangerous Substances) (Classification) Regulations 1998) which transposes the EC Dangerous Substances Directive 76/464/EEC and daughter directives.
H47	The Surface Waters (Fish life) (Classification) Regulations 1997 (as amended 2003) which transposes the EC Freshwater Fish Directive 78/659/EEC.
H48	Guidelines for Landscape & Visual Impact Assessment (Second Edition 2002) - Institute of Environmental Management and Assessment and The Landscape Institute
H49	Landscape Character Assessment (Guidance for England and Scotland 2002) - The Countryside Agency and Scottish Natural Heritage

CORE DOCUMENTS	
H50	Interim Advice Note (IAN) 54/04 (2004)
H51	CIRIA report No 142 Control of Pollution from Highway Drainage Discharges
H52	Institute of Field Archaeologists (1999) Standard and Guidance for Archaeological Desk-Based Assessments
H53	Institute of Field Archaeologists (1999) Standard and Guidance for Archaeological Field Evaluation
H54	Institute of Field Archaeologists (1999) Standard and Guidance for the Archaeological Investigation and Recording of Standing Buildings or Structures
H55	Institute of Field Archaeologists (2002) The Use of Geophysical Techniques in Archaeological Evaluations Paper No. 6
H56	English Heritage, Geophysical Survey in Archaeological Field Evaluation
H57	IAN 68/06 Infrastructure changes to improve access to and from the trunk road network
Series	NOT USED
I	Series "I" Not Used
Series	Traffic and Economic
J1	Carillion/Morgan Sindall JV (2013). A1 Dishforth to Barton Improvements, Leeming to Barton Section, Local Model Validation Report, Ref. No. L2B/05/05/REP/002.
J2	Carillion/Morgan Sindall JV (2013). A1 Dishforth to Barton Improvements, Leeming to Barton Section, Traffic Forecasting Report, Ref. No. D2B/01/10/REP/003
J3	A1 Dishforth to Barton Improvement, Leeming to Barton Section, Economic Appraisal Report, December 2013
J4	TUBA User Manual
J5	MyRIAD User Manual v1.0
Series	Environmental
K1	A1 Dishforth to Barton Improvement Environmental Statement, Volumes 1 to 3
K2	A1 Dishforth to Barton Improvement, Leeming to Barton Section, Environmental Assessment Report, Volumes 1 to 3
K3	A1 Dishforth to Barton Improvement, Leeming to Barton Section, Supplementary Environmental Assessment Report, Volume 1
K4	A1 Dishforth to Barton Improvement, Leeming to Barton, NMU Report on Usage, L2B/12/07/01/REP/004
Series	Cultural Heritage
L1	Archaeological Services at the University of Durham (2005) <i>A1 Dishforth to Barton Improvement, North Yorkshire: Geophysical Surveys</i> Unpublished Report for Faber Maunsell -D2B/BR/DB/12/01/RE/004 - 3 No Volumes

CORE DOCUMENTS	
L2	Tees Valley Archaeology (2005) <i>A1 Dishforth to Barton Improvement: Report on Archaeological Watching Brief on Geotechnical Investigation, 2004</i> Unpublished Report for Faber Maunsell – D2B/BR/DB/12/01/RE/005
L3	University of Durham (2005) <i>A1 Dishforth to Barton: Palaeoecological Survey</i> Unpublished Report for Faber Maunsell – D2B/BR/DB/12/01/RE/002
L4	Wrathmell, S. (2005) <i>A1D2B Cultural Heritage: Historic Buildings: A Review of Historic Buildings</i> Unpublished Report for Faber Maunsell – D2B/BR/DB/12/01/RE/003
L5	Northern Archaeological Associates (2006) <i>Archaeological Evaluation Trenching in Non-Scheduled Areas</i> Unpublished Report for Faber Maunsell – D2B/BR/DB/12/01/RE/014
L8	Archaeological Services at the University of Durham (2006) <i>A1 Dishforth to Barton Improvement, North Yorkshire: Geophysical Surveys Phase 2</i> Unpublished Report for Faber Maunsell –D2B/BR/DB/12/01/RE/017
Series	Engineering
M1	McAlpine/AMEC JV (2004). A1 Dishforth to Barton Improvements, Preliminary Sources Study, July 2004, Ref. No. D2B/DA/DB/07/04/RE/002/A, 02/08/05.
M2	McAlpine/AMEC JV (2005). A1 Dishforth to Barton Improvement, Geotechnical Report Sections 1 to 7, Ref. No. D2B/DA/DB/07/06/RE/001/A.
M3	Scotch Corner to Barton Section – Local Access Road Provision
Series	Scheme Development Documents
N1	Scheme Brief for A1 Dishforth to Leeming
Series	Previous Orders
	Orders published in Draft in March 2006 for the A1 Dishforth to Barton Scheme
O1	A1 Motorway (Dishforth to Barton Appropriation) Order 20..
O2	A1 Motorway (Dishforth to Barton) (Detrunking) Order 20..
O3	A1 Motorway (Dishforth to Barton Section and Connecting Roads) Scheme 20..
O4	A1 Motorway (Dishforth to Barton Side Roads) Order 20..
O5	A1 Motorway (Dishforth to Barton Section) Compulsory Purchase Order (MP No.) 20..
O6	Report to the Secretary of State for Communities and Local Government and to the Secretary of State for Transport by C J Tipping MA(Cantab) into The A1 Motorway Dishforth to Barton Improvement Scheme, (Dated 09 February 2007)
O7	Secretaries of State decision letter on the draft Orders and Scheme published in draft in March 2006 following consideration of the Inspector’s Report, (Date 31 March 2008)
	Orders published as Made in 2008 for the A1 Dishforth to Barton Scheme, with the SRO and CPO only covering the Dishforth to Leeming Scheme

CORE DOCUMENTS	
O08	A1 Motorway (Dishforth to Barton Appropriation) Order 2008
O09	A1 Motorway (Dishforth to Barton) (Detrunking) Order 2008
O10	A1 Motorway (Dishforth to Barton Section and Connecting Roads) Scheme 2008
O11	A1 Motorway (Dishforth to Barton Side Roads) Order 2008
O12	A1 Motorway (Dishforth to Barton Section) Compulsory Purchase Order (MP No. 71) 2008
	Orders published in Draft 23 May 2013 for OA10 and minor works
O13	The A1 Motorway (Leeming To Scotch Corner Connecting Roads) Scheme 20..
O14	The A1 Motorway (Dishforth To Barton Supplementary Appropriation) Order No.1 20..
O15	The A1 Trunk Road (Dishforth To Barton) (Supplementary Detrunking) Order 20..
O16	The A1 Motorway (Dishforth To Barton Supplementary Side Roads) Order No.1 20..
O17	The A1 Motorway (Dishforth To Barton Supplementary Side Roads) Order No.2 20..
O18	The A1 Motorway (Dishforth To Barton Supplementary Side Roads) Order No.3 20..
O19	Public Notice for the Highways Act Orders
O20	The A1 Motorway (Dishforth To Barton Section) Supplementary Compulsory Purchase Order No.1 (No MP ..) 20..
O21	The A1 Motorway (Dishforth To Barton Section) Supplementary Compulsory Purchase Order No.2 (No MP ..) 20..
O22	The A1 Motorway (Dishforth To Barton Section) Supplementary Compulsory Purchase Order No.3 (No MP ..) 20..
O23	The A1 Motorway (Dishforth To Barton Section) Supplementary Compulsory Purchase Order No.4 (No MP ..) 20..
O24	Public Notice for the Land Acquisition Orders
O25	Explanatory Statement into the draft Orders published on 23 May 2013, (Dated 23 May 2013)
O26	Secretaries of State decision letter (Dated 21 October 2013) on the draft Orders and Scheme published in draft in May 2013 following consideration of the Objections raised
O27	The A1 Motorway (Leeming To Scotch Corner Connecting Roads) Scheme 2013
O28	The A1 Motorway (Dishforth To Barton Supplementary Appropriation) Order No.1 2013
O29	The A1 Trunk Road (Dishforth to Barton) (Supplementary Detrunking) Order 2013
O30	The A1 Motorway (Dishforth To Barton Side Roads) Order 2013
O31	Public Notice for the Highways Act Orders
O32(a)	The A1 Motorway (Dishforth To Barton Section) Compulsory Purchase Order (No MP 81) 2013 – Order & Schedule
O32(b)	The A1 Motorway (Dishforth To Barton Section) Compulsory Purchase Order (No MP 81) 2013 – Plans

CORE DOCUMENTS	
O33	Public Notice for the Land Acquisition Orders
O34	Secretary of State Decision letter 23 October 2013
Series	Pre-Inquiry: Documents
P1	Highways Agency Notice of Intention Published 27 September 2013
P2	Highways Agency Statement of Case
P3	Public Notice for Alternative Routes
P4	Highways Agency proof of evidence (PoE) for Scheme Overview
P4 (S)	Highways Agency summary PoE for Scheme Overview
P5	Highways Agency POE for Engineering
P5 (S)	Highways Agency summary PoE for Engineering
P6	Highways Agency POE for Traffic and Economics
P6 (S)	Highways Agency summary PoE for Traffic and Economics
P7	Highways Agency POE for Environment
P7 (S)	Highways Agency summary PoE for Environment
P8	Highways Agency POE for Non Motorised Users
P8 (S)	Highways Agency summary PoE for Non Motorised Users
P9	Highways Agency POE for Cultural Heritage
P9 (S)	Highways Agency summary PoE for Cultural Heritage
P10	Highways Agency POE for Construction
P10 (S)	Highways Agency summary PoE for Construction
P11	Covering letter for alternative routes
P12	Notice to submit alternative routes (Northern Echo)
P13	Public Inquiry notice with alternative routes (Northern Echo)
P14	Notice to hold Inquiry (A1 Scotch Corner hotel)
P15	Compliance pack
Series	Pre-Inquiry: Plans and Drawings
Q1	Local Access Road – Highways Agency Preferred Route
Q2	Local Access Road – Objector Alternative-Route A
Q3	Local Access Road – Objector Alternative-Route B
Q4	Local Access Road – Objector Alternative-Route C
Series	Statutory Objectors & Non Statutory Objectors Correspondence
R1	OBJ 1001 George F White (Middleton Lodge Estates)
R1 (a)	OBJ 1001 George F White (Middleton Lodge Estates) -withdrawal
R2	OBJ 1002 George F White (Harrison & Mitton) Duckett Hill - withdrawal
R2 (a)	OBJ 1001,2,3 George F White withdrawal letter for all three clients
R3	OBJ 1003 George F White (J E Beadle)

CORE DOCUMENTS	
R4	OBJ 1004 Sherburn Stone Co Ltd (Duckett Hill Quarry)
R4 (a)	OBJ 1004 Sherburn Stone Co Ltd Withdrawal letter 22 January 2014
R5	OBJ 1005 Sherburn Stone Co Ltd (Barton Quarry)
R6	OBJ 1006 William HT Salvin (WG Baker Baker)
R6 (a)	OBJ 1006 WHT Salvin (WG Baker Baker) SOC
R6 (b)	OBJ 1006 WHT Salvin (WG Baker Baker) PoE
R7	NS OBJ1001 Cllr CB Dawson
R8	NS OBJ 1002 Terry Ratcliffe (CTC)
R8 (a)	NS OBJ1002 Terry Ratcliffe(CTC) POE
R8 (b)	NS OBJ 1002 Terry Ratcliffe(CTC) Summary POE
R9	NS OBJ 1003 Caroline Bradley (BHS)
R9 (a)	NS OBJ 1003 Caroline Bradley (BHS) PoE
R9 (b)	NS OBJ 1003 C Bradley(BHS) Statement of Case and POE, DMRB Vol 5 Sec 2-TA 91/05
R9 (c)	NS OBJ 1003 Caroline Bradley(BHS) Doc 14c Statement of Case and POE Inspector's report
R9 (d)	NS OBJ 1003 Caroline Bradley (BHS) PoE photographs.pdf
R10	NS OBJ 1004 MR G Townsend
R11	NS OBJ 1005 Barbara Gravenor
R11 (a)	NS OBJ 1005 Barbara Gravenor withdrawal
Series	Supporters & Representations
S1	SUP 1001 Tony Clark Richmondshire District Council (RDC)
S2	SUP 1002 North Yorkshire County Council (NYCC)
S3	SUP 1003 James Allison (Middleton Lodge Events Ltd)
S4	SUP 1004 Mark Stephenson (North East Chamber of Commerce)
S5	SUP1005 John Taylor North Yorkshire Local Access Forum
S6	SUP 1006 Freight Transport Association Malcolm Bingham

CORE DOCUMENTS	
S7	REP 1001, REP1005, REP1012 North Yorkshire County Council (NYCC)
S8	REP 1002 Fran Barrigan (Strutt & Parker)
S9	REP 1006 Jonathan Foster (North Yorks Fire& Rescue)
S10	REP 1007 Yorkshire Water (Stephanie Walden)
S11	REP 1008 Natural England (James Walsh)
S12	REP 1009 The Agricultural Mortgage Company
S13	REP 1010 Mr TB Tarn
S14	REP 1011 Virgin Media
S15	REP 1013 John Marshall (Ramblers Association)
S16	SUP 1007 North Yorkshire Police (Sgt Jon Hunter)
S17	COBJ 1001 Counter objection from Mr & Mrs Hall
S18	Sherburn Stone (obj alternatives letter 1)
S19	Sherburn Stone (obj alternatives letter 2)
S20	C M Wharton (obj alternative letter)
S21	H L & P Swanston (obj alternative letter)
S22	A-one + (obj alternative letter)
S23	Andy Brown HA NDD (obj alternative letter)
S24	Middleton Tyas Parish Council
S25	English Heritage Counter Objection letter
S26	North Yorkshire County Council-Letter in response to alternatives

APPENDIX 3 – INQUIRY DOCUMENTS

	INQUIRY DOCUMENTS
T01	HA Further Responses to British Horse Society
T02	HA Further Responses to Cyclists Touring Club
T03	HA Further Responses to William Salvin (Baker Baker)
T04	**Not Used**
T05	PI HA opening statement
T06	Amendments and Errata by HA
T07	**Not Used**
T08	OA23 Rebuttal.
T09	Draft Orders Plan for SCB LAR
T10	Objectors Alternative route A-plans showing: the alternative; and, the alternative with the proposed route.
T11	Objectors Alternative route B-plans showing: the alternative; and, the alternative with the proposed route.
T12	Objectors Alternative route C-plans showing: the alternative; and, the alternative with the proposed route.
T13	References to scheme in Autumn Statement
T14	A1L2B - Request for Construction Phase Budget Approval
T15	Errata - Scheme Overview Proof
T16	Kneeton Lane Access Position
T17	Pessimistic Traffic Flows
T18	Proposed modification to CPO
T19	Full Business Case
T20	LAR Design Flows
T21	CTC Closing Statement by Dr Sugden
T22	BHS addendum to Statement of Case- Caroline Bradley
T23	North Yorkshire Local access forum - Mrs Connolly
T24	Kneeton Hall Farm building consent Mr Salvin
T25	References in NMU Proof of Evidence

T26	NMU Context Report
T27	Kneeton Lane speed survey
T28	NYCC Bedale Bypass standard detail Mainline typical section
T29	Cultural heritage data - geophysical survey plan
T30	Modification M15 (2006 Public Inquiry)
T31	DMRB VOL 11 SEC 3 Part 8 Annex I counting pedestrians
T32	DMRB VOL 6 SEC 3 Part 5 TA 90/05
T33	Title & plan NYK347299 & NYK182722, planning authority decision
T34	NYCC Committee Minutes-17 July 2012
T35	Consultation process (including LAF)
T36	Supplementary information: PV calculation, Bridge widths & Geotechnical information
T37	Clarification – Environmental Proof of Evidence
T38	Clarification of Side Roads Order
T39	Clarification of Status of Dere Street
T40	Land Reference Plans: Scotch Corner to Barton
T41	Duckett Hill Quarry Minerals Planning Decision Notice
T42	Strategic Diversions for Closures of the A1
T43	Positional Statement regarding the Human Rights Act
T44	Extract from Memorandum TR 138D
T45	CPO Revisions
T46	Letter of Objection from Mr S Dickinson
T47	Letter of Objection from Mr J Stephenson
T48	Mr Salvin – Ryder Report
T49	Mr Salvin - Dere Street Report
T50	NYCC letter to HA Surface Course Material 7 February 2014.
T51	Sherburn Stone Decision No C1-33-143A-MR
T52	Sherburn Stone Duckett Hill Lease
T53	Mr Salvin - Kneeton Bridge letter dated 10 September 1964

T54	Deed of Grant - Mr Baker Baker
T55	Highways Agency response to Mr Dickinson
T56	Highways Agency Response to Mr Stephenson
T57	Mrs Connolly Closing Statement
T58	HA position statement on funding.
T59	Further clarification on status of Dere Street
T60	Closing Statement by Mr Salvin
T61	Closing Statement by the Highways Agency
T62	Closing Statement by Ms Bradley

APPENDIX 4 – ABBREVIATIONS

AADT	Annual Average Daily Traffic.
ARA	Alternative route A as shown on plan Q02.
ARB	Alternative route B as shown on plan Q03.
ARBa	Alternative route Ba as defined at paragraph 2.4.1.
ARC	Alternative route C as shown on plan Q04.
BB	WG Baker Baker and the Trustees of the WG Baker Baker's 1990 Settlement.
BCR	Benefit to cost ratio.
BHS	British Horse Society.
CD	Councillor C Dawson.
CE	Councillor Etherington.
Circular 06/2004	Office of the Deputy Prime Minister Circular 06/2004- Compulsory Purchase and the Crichel Down Rules.
CPO	The A1 Motorway (Dishforth to Barton Section) Supplementary Compulsory Purchase Order No.5 (No MP..) 20..
CPOa	Modifications defined by section 4.2 above.
CTC	Cyclists' Touring Club.
DfT	Department for Transport.
DMRB	Design Manual for Roads and Bridges.
EIA	Environmental statement and supplementary reports comprising K1, k2 and k3.
FTA	Freight Transport Association.
GT	Mr G Townsend.
HA	Highways Agency.
HRA	Human Rights Act 1998 (as amended).
JS	Mr J Stephenson.
JV	Carillion Morgan Sindall Joint Venture.
LAF	North Yorkshire Local Access Forum.
LAR	Local access road.
NECC	North East Chamber of Commerce.
nKHAB	New Kneeton Hall accommodation bridge.
NMUs	Non-motorised users i.e. pedestrians, equestrians and cyclists.
NYCC	North Yorkshire County Council.
NYP	North Yorkshire Police.
OA23	Objectors' alternative OA23.
OA24	Objectors' alternative OA24.
OB	Overbridge.
RDC	Richmondshire District Council.
ROMP	Review of Minerals Permission.
Secretaries of State	Secretary of State for Transport and Secretary of State for Communities and Local Government.
SD	Mr S Dickinson.
SRO	The A1 Motorway (Dishforth to Barton Supplementary Side Roads) Order No.4 20..
SSL	Sherburn Stone Limited.
vpd	Vehicles per day.