



GOVERNMENT OFFICE
FOR YORKSHIRE AND THE HUMBER

Addressee as on envelope

Margaret Jackson
Director, Economy & Strategy
25, Queen Street
Leeds
LS1 2TW

15 November 2006

Dear Sir or Madam

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
A1 TRUNK ROAD (BRAMHAM TO WETHERBY UPGRADING)**

1. I am directed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government ("the Secretaries of State") to refer to the concurrent public Inquiries ("the Inquiry") held at the Bridge Inn Walshford, Wetherby, Yorkshire, for seven sitting days between 31 January and 9 February 2006, before Mr Colin Tyrrell, MA (Oxon), CEng, MICE, FIHT, an independent Inspector appointed by the Secretaries of State, to hear objections to, and representations about, the following draft Scheme and Orders:

The A1 Trunk Road (Bramham to Wetherby Upgrading) (River Wharfe Bridge) Order 20 ("Order 1");

The A1 Trunk Road (Bramham to Wetherby Upgrading) (Detrunking) Order 20 ("Order 2");

The A1 Trunk Road (Bramham to Wetherby Upgrading Side Roads) Order 20 ("Order 3");

The A1 (M) Motorway (Bramham Crossroads to Kirk Deighton Junction and Connecting Roads Appropriation) Order 20 ("Order 4");

The A1 Motorway (Bramham to Wetherby Upgrading Section) Compulsory Purchase Order (No) 20 ("Order 5"); and

The A1 (Motorway) (Bramham Crossroads to Kirk Deighton Junction and Connecting Roads) Scheme 20 ("Scheme 1").





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2. The draft Scheme and Orders, if made, would provide for the upgrading of 10km of the A1 trunk road from Bramham Crossroads to the Kirk Deighton Interchange to dual three-lane motorway, the associated improvements described in the Inspector's report at paragraph 4.13, and the acquisition of land and rights necessary to carry out these works ("the published scheme").

THE INSPECTOR'S REPORT

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

4. The Inspector concluded overall in favour of the published proposals (IR 9.1 to 9.171) and recommended at IR 10 that:

- i) Order 1 is made as drafted (IR 10.1);
- ii) Order 2 is modified as set out in IR 9.150, and that so modified be made (IR 10.2);
- iii) Order 3 is modified subject to the consultation set out in IR 9.157, and that so modified, be made (IR 10.3);
- iv) Order 4 is modified as set out in IR 9.161, and that so modified, be made (IR 10.5);
- v) Order 5 is modified subject to consultation set out in IR 9.170, and that so modified, be made (IR 10.6); and
- vi) Scheme 1 is modified as set out in IR 9.159, and that so modified, be made (IR 10.4).

5. In arriving at these recommendations, the Inspector considered the four proposed Alternatives, described at IR 9.131 to IR 9.135, that were advertised for comment before the inquiry opened, but for the reasons he gave in IR 9.131 to IR 9.135, concluded that none should be considered further. He considered two further alternatives which the Highways Agency proposed to adopt but were not advertised, and reached conclusions on these at IR 9.136 and IR 9.143.

6. The Inspector also considered five sets of Draft Order Modification Proposals, prepared by the Highways Agency before or during the inquiry some in response to issues raised by objectors, the details of which are set out at IR 4.86 to IR 4.100. The Inspector's conclusions on these are at IR 9.138 to IR 9.146.

7. The Highways Agency, in response to questions raised by the Inspector, suggested five further modifications detailed in IR 4.101. The Inspector reached conclusions on these at IR 9.146. In addition to these modifications, the Inspector



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identified at IR 9.171 six aspects of the published scheme he considered unsatisfactory and recommended that they be given further consideration.

THE DECISION OF THE SECRETARIES OF STATE

8. The Secretaries of State have carefully considered the Inspector's report together with all the objections, alternative proposals, counter objections, representations and expressions of support made, both orally and in writing. In reaching their decision, they have also considered the requirements of local and national planning, including the requirements of agriculture.

9. The Secretary of State for Transport is satisfied that the Environmental Impact Assessment undertaken for the published scheme meets the requirements of the European Directive 85/337/EEC ("the Directive") as amended by Directive 97/11. He has considered the Environmental Statement and the supplementary statement published pursuant to section 105A of the Highways Act 1980, which implements the requirement of the Directive, and all the opinions expressed in relation to that statement, in taking a decision to proceed with the published scheme.

10. The Secretary of State for Transport is also satisfied that the published scheme accords with the aims and objectives of the Government's White Papers "The Future of Transport – A Network for 2030" and "A New Deal for Transport: Better for Everyone", and has been allocated funding accordingly.

11. The Secretaries of State are satisfied that the Inspector's conclusions cover all the material considerations relevant to the acceptability of the scheme as a whole, and are minded to accept his recommendations in full. The Secretaries of State also accept the Inspector's recommended changes at IR 9.171 and will ask the Highways Agency to give further consideration to these, and to consult those affected by the proposals with a view to including them into the published scheme.

12. In taking forward the recommended modifications and changes to the published scheme, the Secretaries of State accept that some of these make a substantial change to the published Side Roads Order ("Order 3") for the purposes of paragraph 8(3) to Schedule 1 of the Highways Act 1980, and have a consequential effect on the published Compulsory Purchase Order ("Order 5"). The Secretaries of State have identified the modifications that fall within this category and have described the way they affect these draft Orders in Schedule 1 attached to this letter. Nevertheless, as a matter of fact and degree, they are satisfied, notwithstanding the Inspector's comment at IR 9.143 regarding the Side Roads Order (Order 3), that these represent changes to the published scheme, when compared to the overall project, that are of a scale and nature which can be included as modifications to the published Orders on making. The Secretaries of State take the view that the Inspector's comments at IR 9.143 related to an inadequacy of time to consider the revised proposals at Walton Road, which he considered had merit; this is now being remedied by the further consultation referred to in paragraph 13 below. However, where any of these modifications require additional land to that already included in



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the published Compulsory Purchase Order, and the consent in writing of the qualifying person in relation to that land, cannot be obtained as required by paragraph 5 to Schedule 1 of the Acquisition of Land Act 1981, a supplementary Compulsory Purchase Order will be required.

13. Although the Secretaries of State are minded to accept the proposed changes to the published scheme and modify the draft Orders accordingly, before doing so they will ask the Highways Agency to identify the detailed changes to the original draft Orders caused by the modifications, and to notify any person who is likely to be affected by them, and to give that person an opportunity of making representations on them. The Highways Agency are also asked to consider whether the modifications have any effect on the Environmental Impact Assessment they have carried out and, if necessary, publish a supplementary Environmental Statement to provide anyone interested with the opportunity to comment. The Secretaries of State will then consider any representations made before finally deciding whether to accept the modifications, and to make those parts of the Orders affected accordingly. The outcome of this will be the subject of a further letter in due course.

14. In the meantime, under the provisions in paragraphs 8(1) and 8(2) to Schedule 1 of the Highways Act 1981, and paragraphs 4A(5) and 4B(1) of Schedule 1 to the Acquisition of Land Act 1981, the published Orders will be made, or made in part where necessary, in accordance with the Inspector's recommendation, and will include the modifications that do not amount to a substantial change, and not subject to the consultation procedure in paragraph 13 above; these are described in Schedule 2 attached to this letter. Under the provisions in the Highways Act 1980, the remaining part of the Side Roads Order (Order 3) deferred for further consideration, is deemed to be a separate Order. In respect of the Compulsory Purchase Order, the Secretary of State for Transport, under the provisions in paragraph 4B(5) of Schedule 1 of the Acquisition of Land Act 1981, will give a direction postponing consideration of the remaining part of the Order, until such time as specified by the direction, and that the postponed part will be treated as a separate Order.

Other matters

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

i) Legal Issue

16. The Secretaries of State have considered the legal submissions made by Leeds City Council ("LCC") reported at IR 3.1 and 3.2, and IR 6.148 to 6.157, together with inquiry documents 2/5/2 and 2/5/3. In so far as these relate to describing the detail of the highway improvements in published Orders, they accept that there may be differing opinions on how these can be set out in draft Orders, but nevertheless consider the Scheme and Orders for the published scheme were fit for the purpose intended and did not disadvantage or mislead anyone of their intention.



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The Secretaries of State also note the Inspector's comments at IR 9.4 that it is common practice to use highway improvement powers without firstly extinguishing all existing highways and accept that this can be of some advantage to design flexibility leaving some of the finer details of alignment at the connections to existing highways to be resolved with the final design.

17. The Secretaries of State take the view that there is nothing in the legal submissions that causes them to disagree with the Inspector's recommendations. However, the Secretaries of State will ask the Highways Agency to discuss with LCC, any perceived ambiguities or anomalies in the draft Scheme and Orders, as detailed in inquiry document 2/5/2 and 2/5/3, that relate to the future responsibilities of LCC as the local highway authority, and to make their intentions known before the draft Scheme and Orders are made.

ii) Traffic Flows on Spring Lane

18. The Secretaries of State accept the Inspector's recommendation at IR 9.20 and will ask the Highways Agency to monitor traffic flows on Spring Lane after the scheme opens, together with LCC, as the local highway authority. Evidence from this will be used to decide whether a ban of heavy lorries from Spring Lane is necessary, which the Agency has agreed to fund.

iii) Noise

19. The Secretaries of State have noted that noise levels and noise reduction was a major topic at the Inquiry, and have considered the Inspector's conclusions at IR 9.58 to IR 9.71. It is accepted that the design of the published scheme would overall be broadly neutral in noise terms and that it is Government policy to mitigate the effects of road noise, where possible. The Secretaries of State further note that the road improvement proposals were appraised using the latest version of the Government's Appraisal Procedure and the proposals for noise mitigation published in the Environmental Statement, which was before the local Inquiry. The Secretaries of State are, therefore, satisfied that the published scheme was subject to the correct appraisal procedure and that the scheme is in accordance with the Government's current policy on noise.

THE PUBLISHED SCHEME

20. In conclusion, the Secretaries of State accept the Inspector's recommendations, and have decided to proceed with the published scheme by making the draft Scheme and Orders, in part where necessary, as recommended by the Inspector with the modifications that are not subject to further consultation referred to in paragraph 13 above. The remaining parts of the draft Orders will be the subject of a further letter in due course.



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SCHEME AND ORDERS TO BE MADE

21. In the light of the above, the Secretary of State for Transport will shortly make the draft Scheme and Orders (numbered 1 to 4) listed in paragraph 1 above, in part where necessary, as recommended by the Inspector with the modifications that do not amount to a substantial change for the purposes of paragraph 8(3) of Schedule 1 of the Highways Act 1980. The Compulsory Purchase Order will also be made, or made in part if necessary, under the provisions in paragraphs 4A(5) and 4B(1) of Schedule 1 to the Acquisition of Land Act 1981, in accordance with the Inspector's recommendation, where the written agreement of the qualifying person of the land affected has been obtained to the modifications proposed. Where written consent needs to be obtained as a consequence of the modifications, the Secretary of State for Transport, under the provisions in paragraph 4B(5) of the 1981 Act, will give a direction postponing consideration of that part of the Compulsory Purchase Order, until such time as specified by the direction, and that the postponed part will be treated as a separate Order.

22. Public Notice will be given when the Scheme and Orders have been made. Any person who wishes to question their validity, or of any particular provision contained in them, on the grounds that the Secretary of State for Transport has exceeded his powers or has not complied with the relevant statutory requirements in making the Scheme and Orders may, under the provisions of Schedule 2 of the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Scheme and Orders have been made.

COMPENSATION

23. After the Compulsory Purchase Order has been made, the qualifying person in relation to the land included in the made Order, will be approached about the amount of compensation payable to them in respect of their interest in the land. If the amount cannot be agreed with the Highways Agency's valuer, the matter may be referred for determination to the Lands Tribunal under the Lands Tribunals Act 1949 and the Land Compensation Acts 1961 and 1973.

AVAILABILITY OF INSPECTOR'S REPORT

24. A copy of this letter and the Inspector's report has been sent to all objectors and to any other person who, having appeared at the inquiries, has asked to be notified of the decision of the Secretaries of State. Any person who is entitled to be supplied with a copy of the Inspector's report may apply to the Secretary of State for Transport within six weeks of receipt of this letter, to inspect any document appended to the report. Any such application should be made to Steve Sims (telephone number 0113 283 5381) at this office. Applicants should indicate the date and time (within normal office hours) when they propose to make the inspection. At least three days' notice should be given, if possible.



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Yours faithfully

A handwritten signature in black ink that reads "Margaret Jackson".

Margaret Jackson



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SCHEDULE 1

Schedule of substantial modifications that require further consultation

**THE A1 TRUNK ROAD (BRAMHAM TO WETHERBY UPGRADING SIDE ROADS) ORDER 20
("ORDER 3")**

Site Plan No.	Description of Modification
4b	<ol style="list-style-type: none">1. Inspector upheld objection from tenants regarding unsuitability of temporary access arrangements to Wetherby Grange Park during the construction period. Temporary highway to Wetherby Grange Park removed.2. Proposed bridleway on Moor Lane extended to meet route of existing Moor Lane.3. Additional proposed highway shown connecting Moor Lane to proposed Local Access Road.
5a	<ol style="list-style-type: none">1. Inspector upheld objection from tenants regarding unsuitability of temporary access arrangements to Wetherby Grange Park during construction period. Temporary access to Wetherby Grange Park removed from scheme layout plan.2. Proposed highway access to Wetherby Grange Park which would cross the A1 shown on draft orders (deemed unsuitable by Inspector) removed from scheme layout plan. Associated Orders amended, accordingly.
5b	<ol style="list-style-type: none">1. Inspector upheld objection from tenants regarding unsuitability of temporary access arrangements to Wetherby Grange Park during construction period. Temporary access to Wetherby Grange Park removed from scheme layout plan.2. Proposed highway access to Wetherby Grange Park which would cross the A1 as shown on the draft orders (deemed unsuitable by Inspector) removed from scheme layout plan. Associated Orders amended, accordingly.
6a	Inspector considered insufficient consultation held with interested parties regarding modification to alignment of proposed Walton Road east of A1. Related scheme proposals removed from scheme layout plan and associated Orders amended as appropriate.
6b	Inspector considered insufficient consultation held with interested parties regarding a modification to alignment of proposed Walton Road east of the A1. Related scheme proposals removed from scheme layout plan and associated Orders amended, accordingly.
-	Schedules amended to reflect above changes.



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**THE A1 MOTORWAY (BRAMHAM TO WETHERBY UPGRADING SECTION) COMPULSORY
PURCHASE ORDER (NO) 20 (“ORDER 5”)**

Site Plan No.	Description of Modification
4	<ol style="list-style-type: none">1. Rights associated with temporary highway to Wetherby Grange Park deleted.2. Plots related to extension of highway on Moor Lane amended (Plots 4/10 and 4/10a)
5	All CPO plots associated with deletion of Wetherby Grange Park access amended or deleted as appropriate.
6	All CPO plots associated with deletion of proposed Walton Road alignment, east of the A1, amended or deleted as appropriate.
7	Temporary highway for access to Wetherby Grange Park deleted. Sheet deleted as not required.
-	All schedules revised to correlate with above modifications.



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SCHEDULE 2

Orders and Scheme to be made - subject to the minor modifications referred to below but excluding any parts referred to in Schedule 1

THE A1 TRUNK ROAD (BRAMHAM TO WETHERBY UPGRADING) (RIVER WHARFE BRIDGE) ORDER 20 (“ORDER 1”) - *made as published in draft.*

THE A1 TRUNK ROAD (BRAMHAM TO WETHERBY UPGRADING) (DETRUNKING) ORDER 20 (“ORDER 2”)

Site Plan No.	Description of Modification
1	Area of detrunking on west side of the A1, just north of Tenter Hill bridge, reduced to address inconsistency between the side roads order and appropriation order.

THE A1 TRUNK ROAD (BRAMHAM TO WETHERBY UPGRADING SIDE ROADS) ORDER 20 (“ORDER 3”)

Site Plan No.	Description of Modification
Key	Location of Site Plan 7b removed from key.
1b	Highway to be improved extended southwards along Spen Common Lane to A64 Bramham Crossroads Roundabout to allow construction of NMU route within existing highway verge.
4a	<ol style="list-style-type: none">Parish Boundary removed from inset window for clarity.Following objection from owners of Wetherby Grange Park, Inspector accepted adoption of alternative NMU route. Route of proposed NMU running on east side of proposed motorway modified to run parallel to motorway and to pass west side of Bielby Wood.Text change: location of Sweep Farm added to scheme layout plan.
4b	<ol style="list-style-type: none">Following objection from owners of Wetherby Grange Park, Inspector accepted alternative NMU route be adopted. Route of new highway (“proposed bridleway”) running on east side of proposed motorway modified to run parallel to the motorway and to pass to west side of Bielby Wood.Text change: location of Sweep Farm added to scheme layout plan.



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5a	Following objection from owners of Wetherby Grange Park, Inspector accepted adoption of alternative NMU route.
	Following objection from owners of Wetherby Grange Park, Inspector adopted alternative NMU route. Route of new highway ("proposed bridleway") running on east side of proposed motorway modified to run parallel to motorway and pass to west side of Bielby Wood.
-	Schedules amended to reflect above changes

THE A1 (M) MOTORWAY (BRAMHAM CROSSROADS TO KIRK DEIGHTON JUNCTION AND CONNECTING ROADS APPROPRIATION) ORDER 20 ("ORDER 4")

Site Plan No.	Description of Modification
1	Area of appropriation amended to reflect amendments made in Detrunking Order ("Order 2")
-	Schedule amended to revise labelling of routes shown on Site Plans 1, 2 & 3.

THE A1 MOTORWAY (BRAMHAM TO WETHERBY UPGRADING SECTION) COMPULSORY PURCHASE ORDER (NO) 20 ("ORDER 5")

Site Plan No.	Description of Modification
Key	Sheet 7 deleted from Key Plan.
4	<ol style="list-style-type: none">CPO plots 4/19 & 4/19a revised for route of proposed realigned bridleway to run parallel to proposed motorway.Schedule amended to reflect change of tenant (Plot 4/12)
5	CPO plot 5/3 revised for route of proposed realigned bridleway to run parallel to proposed motorway.
6	CPO plots 6/15, 6/15a, 6/16, 6/16a deleted as recommended by Inspector.
-	All schedules revised to correlate with above modifications.



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**THE A1 (MOTORWAY) (BRAMHAM CROSSROADS TO KIRK DEIGHTON JUNCTION AND
CONNECTING ROADS) SCHEME 20 ("SCHEME 1")**

Site Plan No.	Description of Modification
-	Schedule 1 amended to describe correct length of scheme.