



GOVERNMENT OFFICE  
FOR YORKSHIRE AND THE HUMBER

*Addressee as on envelope*

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

14 November 2006

Dear Sir/Madam

**HIGHWAYS ACT 1980**  
**A65 TRUNK ROAD – REVOCATION ORDERS**

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 local inquiries (“the inquiries”) held at the Gargrave Primary School, Skipton on three sitting days between 21 February and 23 February 2006 before Dr Martyn Heyes, BSc(Eng), MEng, PhD, CEng, FICE, FIHT, an independent Inspector appointed by the Secretaries of State to hear objections to, and representations about, the following draft Orders:-

The A65 Trunk Road (Gargrave Bypass) Order 1990, as varied by The A65 Trunk Road (Gargrave Bypass) Order 1990 Amendment and New Trunk Road Order 1993 (Revocation) Order 20 ;

The A65 Trunk Road (Gargrave Bypass Side Roads) Order 1990, as varied by The A65 Trunk Road (Gargrave Bypass Side Roads) Order 1990 Variation Order 1992 and The A65 Trunk Road (Gargrave Bypass Side Roads) Order 1990 Variation (No.2) Order 1993 (Revocation) Order 20 ;

The A65 Trunk Road (Hellifield and Long Preston Bypass and Slip Roads) Order 1993 (Revocation) Order 20 ; and

The A65 Trunk Road (Hellifield and Long Preston Bypass Side Roads) Order 1993, as varied by The A65 Trunk Road (Hellifield and Long Preston Bypass Side Roads) Supplementary Order 1995 (Revocation) Order 20 .





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2. The draft Orders in paragraph 1 above, when made, would revoke nine extant Orders made between 1990 and 1995 that authorise the building of the Gargrave bypass and the Hellifield and Long Preston bypass, and to modify side roads and slip roads associated with these schemes. The purpose of these revocation Orders is to enable the Secretary of State for Transport to make clear his intentions not to build the bypasses described in the made Orders, to eliminate blight, and to stop safeguarding the routes of the bypasses.

### **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". The Inspector recommended at IR 8.1 that the published Orders be made as published in draft.

### **THE DECISION OF THE SECRETARIES OF STATE**

#### **Policy Statement**

4. The principal matter for the Secretaries of State to decide is whether there is a realistic prospect, now or in the foreseeable future, that the bypasses featured in the made Orders will be built and, based on that, come to a decision on the revocation Orders (IR 7.1). In reaching this decision they have had regard to the Secretary of State for Transport's statutory duty under the Highways Act 1980, as highway authority, to keep under review the trunk road network and to extend, improve and reorganise it as he considers necessary, having regard to the requirements of local and national planning, including the requirements of agriculture. Decisions taken by the Secretary of State of Transport in exercise of this duty are matters of policy for which he is solely responsible and accountable only to Parliament.

5. It is also important to note two policy statements affecting trunk roads made by the Secretary of State for Transport in the Transport White Paper "A New Deal for Transport Better for Everyone" and its daughter document "A New Deal for Trunk Roads in England" both published in July 1998, and carried forward to the White Paper "The Future of Transport – A Network for 2030" published in 2004.

6. The first was his decision to withdraw the two A65 bypass schemes from the trunk road programme after conducting a major strategic review of the competing needs of schemes in the roads programme at the time. The second was his announcement to introduce a core network of nationally important routes. It was decided that all remaining trunk roads that fell outside this core, which mainly served local and regional traffic, should be "detrunked". The A65 was one of these routes, and a statement to this effect was published in the daughter document. It was considered more appropriate for these routes to be managed by the local highway authority to enable decisions to be taken locally and to be better integrated with local transport and land use planning. The devolution of responsibility was the subject of wide consultation with the Local Government Association and individual local highway authorities at the time which has continued since.



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7. The Secretary of State for Transport confirms that it remains Government policy to establish and maintain a core network of nationally important routes, and that there are no plans to review or change this policy in the foreseeable future.

**Decision on Orders**

8. The Secretaries of State have considered all the submissions and representations together with the Inspector's conclusions (IR 7.1 to 7.10) and recommendation (IR 8.1) on the published Orders.

9. In reaching a decision on whether there is a realistic prospect, now or in the foreseeable future, that the bypasses featured in the made Orders will be built, the Secretaries of State have focused in particular, on the following evidence presented at the inquiry alongside the current trunk road policy stated above.

10. The Gargrave bypass and the Hellifield and Long Preston bypass schemes have a long history and were first introduced into the National Road Programme in 1975 and 1985 respectively, with the individual Orders made during the period from 1990 to 1995. The Secretaries of State, therefore, consider it would be misleading to make any judgement on the benefits the schemes would bring to these villages today as the detailed work which assessed the schemes were made in the early 1990s and would have used standards and methodologies of the time, which are now out of date (Inquiry document IN2).

11. The Secretaries of State also consider the fact that the two A65 schemes were appraised in 1998 as part of the Government's strategic trunk road review is pivotal to this matter. This involved assessing schemes using the New Approach to Appraisal (NATA) in which accessibility, safety, economy, the environment and integration were all considered in a more rigorous manner than previously (IR 3.2.3). As a result, the benefits of the two A65 bypass schemes were no longer considered to outweigh their financial and environmental costs, and competing with other schemes for limited resources, were excluded from the national road programme (IR 6.1.1). The appraisal summary tables (the ASTs) from these appraisals were presented in evidence at the inquiry (Inquiry documents IN4 and IN6). They also take the view that it would take an exceptional case to be made to reverse an early decision to exclude a scheme, which had been assessed against the full NATA criteria (IR 7.5) – and that no such case has been made.

12. Following directly on from this, it is noted that the Secretary of State for Transport announced in the "A New Deal for Trunk Roads" (Inquiry document D14), the daughter document to the Transport White Paper, that schemes not taken forward in the national road programme (now known as the Targeted Programme of Improvements) would be dropped and route protection lifted, where it is clear that they are either, not an appropriate solution to the underlying problem, or there is no prospect of the scheme being taken forward in the foreseeable future (IR 7.9).

13. The Secretaries of State have further noted that North Yorkshire County Council commissioned consultants to carry out a review of the possible options for improving the A65 (Inquiry document OBJ1/1/1). This concluded that it appeared that the original A65



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schemes were no longer appropriate for the route, and recommended a further study to investigate the feasibility of shorter bypass options together with a package of complementary measures. A further study concluded that it remained unclear in overall terms which were the most appropriate and deliverable options for the A65 (Inquiry documents 1/1/1 and 1/0/8, and IR 5.1.1).

14. The Secretaries of State also take the view the bypasses cannot now be built simply on the basis of the present made Orders, even if an exception to the current policy were to be made. A new Compulsory Purchase Order would be needed as the original ones have lapsed (IR 3.1.1). This could be problematic and open to challenge, as it would be predicated on a scheme based on out-dated appraisals, and not least, the lack of environmental assessments to today's standards. It would therefore not be prudent to implement the bypass schemes featured in the made Orders without first undertaking a comprehensive reassessment of both schemes to today's appraisal standards and methodology, which could possibly result in different solutions requiring new Orders.

15. And finally, the Secretaries of State take the view that the made Orders could only be used by the Secretary of State for Transport and would be of no use to the local highway authority should they seek to promote the bypasses themselves (IR 6.3.1). The current extant Orders are not transferable and new Orders would be needed.

### **Conclusion**

16. In the light of the policy statements set out in paragraphs 4 to 7 above, and the evidence referred to in paragraphs 10 to 15, together with the rest of the Inspector's conclusions, the Secretaries of State are satisfied, that the Secretary of State for Transport, will not now, or in the foreseeable future build the two bypasses under the current policies, and have, therefore, decided to accept the Inspector's recommendation (IR 8.1) that the Revocation Orders be made. In taking this decision they are satisfied that no events have occurred since 1998, or are foreseeable in the future, to require the Secretary of State to change his policy with regard to these schemes.

17. The Secretaries of State are also satisfied that the decision to revoke the made Orders will not only bring an element of finality to the schemes contained in those Orders, but at the same time bring relief to the adverse impacts and concerns set out in IR 3.3.2 and IR 6.3.2.

18. For the avoidance of doubt, it is appropriate to record that although the Secretary of State's detrunking policy of non-core trunk roads is a relevant factor when deciding which schemes enter the Targeted Programme of Investment and are taken forward, the Secretaries of State concur with the Inspector at IR 7.4 that this has not been a material issue in arriving at a decision on these revocation Orders.

19. The Secretary of State for Transport will, for the time being, continue to promote improvements to the A65, where it is considered expedient to do so and warranted on safety grounds. However, a solution to providing relief from the impacts of traffic on the



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communities in the A65 corridor lies with the local highway authority as part of their local transport plan.

**ORDERS TO BE MADE**

20. In the light of the above the Secretary of State for Transport will shortly make the Orders listed in paragraph 1 above in accordance with the Inspector's recommendations.

21. Public Notice will be given when the Orders are 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 Orders may, under the provisions of Schedule 2 to the Highways Act 1980 do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Orders have been made.

**AVAILABILITY OF INSPECTOR'S REPORT**

22. Copies of this letter and the Inspector's report have been sent to all objectors and to any other person who, having appeared at the inquiry, has asked to be notified of this decision. 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. You should state the date and time (within normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.

Yours faithfully

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

**Margaret Jackson**