



GOVERNMENT OFFICE
FOR THE NORTH EAST

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Dear Sir or Madam

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
A69 HAYDON BRIDGE BYPASS

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 Community Centre, Ratcliffe Road, Haydon Bridge, on two sitting days, 25th and 26th April 2006, before Mr Colin Tyrrell, MA(Oxon), CEng, FIHT, an independent Inspector appointed by the Secretaries of State, to hear objections to, and representations about, the following draft Orders:

The A69 Carlisle to Newcastle Trunk Road (Haydon Bridge Bypass) Order 200 (Line Order);

The A69 Carlisle to Newcastle Trunk Road (Haydon Bridge Bypass) (Detrunking) Order 200 ;

The A69 Carlisle to Newcastle Trunk Road (A69 Haydon Bridge Bypass) (Side Roads) Order 200 ; and

The A69 Carlisle to Newcastle Trunk Road (A69 Haydon Bridge Bypass) Compulsory Purchase Order (MP No 37) 200 ("CPO").



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2. The draft Orders, if made, would provide for a 2.9km single carriageway bypass to the south side of the village of Haydon Bridge, from near the existing West Rattenshaw junction to the existing A69/A686 junction, associated side roads and private means of access alterations, the detrunking of a superseded section of the existing A69 trunk road, and the acquisition of land and rights necessary to carry out these works (“the published scheme”).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’s conclusions are at IR 10.1 to 10.60. He concluded overall in favour of the published scheme, and recommended that the draft Orders be made, subject to the minor modifications to the draft Line Order and Side Roads Order referred to in IR 10.45 and described at IR 5.68.
5. In reaching these conclusions and recommendation, the Inspector concluded at IR 10.60 that it was highly desirable that lighting of the east junction of the bypass should be considered, for the reasons he gave in IR 10.21 to 10.27.

THE DECISION OF THE SECRETARIES OF STATE

6. The Secretaries of State have carefully considered all the objections, counter objections, representations and expressions of support made, both orally and in writing, together with the Inspector’s report. In reaching their decision they have also considered the requirements of local and national planning, including the requirements of agriculture, and note that the published scheme complies with the relevant regional, county and district policies by improving the overall route of the A69 and taking traffic away from the village (IR 5.11).
7. The Secretary of State for Transport is satisfied that the environmental impact assessment undertaken for the proposed scheme meets the requirements of European Directive 85/337/EEC (“the Directive”) as amended by Directive 97/11. He has considered the Environmental 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.
8. The Secretary of State for Transport is also satisfied that the published scheme accords with the aims and objectives of the Government’s Transport White Papers “*A New Deal for Transport: Better for Everyone*” and “*The Future of Transport: a Network for 2030*”. He notes that the published scheme is included



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in the Department for Transport's Targeted Programme of Improvements and has been allocated funding accordingly.

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

Procedural issue

10. In regard to the Inspector's observation (IR 3.1) during his site visit that no site notices were being displayed advertising details of the inquiry, the Secretaries of State accept the Inspector's conclusions (IR 10.3 and 10.4), based on his own further observations (IR 3.2 to 3.7), that there was nothing to suggest that anyone had been disadvantaged by the decision to proceed with the local inquiry. The Secretaries of State are, therefore, satisfied that the decision to continue with the Inquiry did not prejudice anyone from putting forward their cases, and that the Inspector took into account all the relevant evidence and came to a reasonable decision.

Legal issue

11. The Secretaries of State note that it was submitted on behalf of Messrs A & S and C & C MacDonald at the Inquiry that section 250 of the Highways Act 1980 does not grant power to acquire rights over land required temporarily for construction purposes (IR 4.1). This statement was directed to a number of plots in the CPO, in particular, those referred to in IR 7.2, relating to land at East Land Ends Farm and Light Birks Farm, being sought for temporary construction purposes. It was also alleged that the permanent loss of the tenancy of this land for temporary construction purposes could permanently extinguish their right to occupy the land as tenants under the Agricultural Tenancies Act 1995 (IR 7.1 to 7.7); it was further submitted that the plots in question should be deleted from the CPO (IR 7.8).
12. With regarding to acquiring land for temporary purposes, the Secretaries of State are satisfied that the provisions in section 239 of the Highways Act 1980 allow for the acquisition of land for the provision of buildings or facilities to be used in connection with the construction of the published scheme. Furthermore, they accept the Inspector's conclusion that he found the case had been made sufficiently for the temporary occupation of the plots as included in the CPO (IR 10.39). The Secretaries of State are therefore satisfied that this land is required in connection with the carrying out of the works contained in the published draft Orders, and that its inclusion in the CPO is appropriate and in the public interest.
13. On the related matter that the effect of the CPO on the two farms could result in the possible loss of the tenancy rights to the land in question, under the



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Agricultural Tenancies Act 1995, thereby jeopardising the Farms' viability, the Secretaries of State agree with the Inspector at IR 10.40 that the public benefit of the scheme is so substantial as to outweigh the private disadvantage which the tenants might suffer.

14. However, in view of the tenants' statement recorded at IR 7.4 that they are willing to provide the necessary legal interest in the land by negotiation, the Highways Agency will use its best endeavours to proceed in this matter through negotiation when acquiring this land for the published scheme, and will not use the formal CPO powers, even when the Order is made, unless it is clear that acquisition will not be obtained at a reasonable cost without resort to use of CPO powers.

Lighting the east junction of the bypass

15. The Secretaries of State have noted the concerns raised at the inquiry, recorded at IR 6.5 and 6.6, IR 7.11 and IR 8.1 and 8.2, about the absence of lighting and safety of the east junction of the bypass, and the Inspector's conclusions at IR 10.60 that it would be highly desirable for this to be included in the published scheme, for the reasons he gives at IR 10.21 to 10.27. The Secretaries of State have decided, in the interests of road safety, that the staggered cross-roads at the east end of the bypass, where the A686 joins the trunk road, should be lit, and will ask the Highways Agency to modify the published scheme accordingly. This is not considered to require any modification to the published Orders or to the Environmental Impact Assessment.

Conclusion

16. Subject to their comments in paragraphs 10 to 15 above, the Secretaries of State agree fully with the Inspector's conclusions and are satisfied that they cover all the material considerations relevant to the scheme as a whole. They accept the Inspector's recommendations at IR 11 to make the published Orders, subject to the modifications to the Line Order and Side roads Orders set out in IR 5.68.

THE PUBLISHED SCHEME

17. In conclusion, the Secretaries of State accept the Inspector's recommendations, subject to the comments above, and have decided to proceed with the published scheme, by making the draft Orders, with the modifications recommended at IR 10.45, and the modification to the published scheme set out in paragraph 15 above.



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ORDERS TO BE MADE

18. In the light of the above, the Secretary of State for Transport will make shortly the draft Orders listed in paragraph 1 above, as recommended by the Inspector. The Secretary of State is satisfied that the modifications to the Line Order and Side Roads Order will not amount to a substantial change for the purposes of paragraph 8(3) of Schedule 1 of the Highways Act 1980.
19. 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 of the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Orders have been made.

COMPENSATION

20. After the Compulsory Purchase Order has been made, the owners and occupiers of 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

21. 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 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 Neil Raper tel: 0191 2023749 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.

Yours faithfully

Jim Darlington