

Elaine Kendall
Head of Common Land Branch
Defra

John Scott
Director, Surrey, East
and West Sussex
Government Office
for the South East

Addressee as on envelope

27 October 2006

Dear Sir or Madam

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
ROAD TRAFFIC REGULATION ACT 1984**

A3 TRUNK ROAD HINDHEAD IMPROVEMENT

1. I am directed by the Secretary of State for Transport, the Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs (“the Secretaries of State”) to refer to our letter of 20 July 2006 (“the July letter”) which set out the Secretaries’ of State decision on the draft Orders and exchange land certificate applications listed in the Annex to this letter, relating to the improvement of the A3 Trunk Road at Hindhead.

2. The July letter stated that the Secretaries of State accepted the Inspector’s conclusions in his report of the public local inquiry referred to in that letter and that they were minded to accept his recommendations to proceed with the published scheme by making the draft Orders, with modifications, and to give the exchange land certificates. But, before the Secretaries of State took their final decision, they would give those who attended the Inquiry, and other interested parties, the opportunity of commenting on the increased cost of the published scheme and its change in economic benefits, and for comparison purposes, those of four alternative proposals referred to in their July letter.

3. For this purpose, the July letter enclosed a document, prepared by the Highway Agency (reference HA/159), giving an update of the estimated cost of the published scheme and its economic benefits, together with those for each of the four alternative options the Inspector

compared in his report to reach his conclusions on value for money. This invited anyone wishing to comment to do so in writing within six weeks from the date of the 20 July 2006 letter. In response to this invitation, 76 letters were received and the attached document, prepared by the Highways Agency (reference HA/160), provides a summary of those responses.

THE DECISION OF THE SECRETARIES OF STATE

4. The Secretaries of State have carefully considered document HA/160 together with the individual responses. They note that 54 of the 76 letters received, representing 71% of the responses, indicated complete support of the published scheme, notwithstanding its increased costs. Although outside the terms of the consultation, 32 of those letters also expressed objection to OA20 – the Outer Western Route. It is further noted that there is also a number of letters that repeated support for other alternative options made at the local inquiry, which the Inspector in his report dismissed, and requesting that these be reconsidered. However, as explained in paragraph 30 of the July letter, this was not an opportunity to reopen the debate on alternative options, other than to compare the cost and economic return of the four options in document HA/159 with that of the published scheme.

5. In reaching their decision, the Secretaries of State have taken into account all the responses received but are nevertheless satisfied that the published scheme, after considering its increase in costs, still represents good value for money with an unchanged economic benefit to costs ratio. Although it is acknowledged that two of the alternative options are currently estimated to cost less, they have decided that there is nothing in any of the responses that cause them to disagree with the Inspector's recommendations, and will therefore proceed with the published scheme accordingly.

THE PUBLISHED SCHEME

6. In conclusion, the Secretaries of State accept the Inspector's conclusions, subject to their comments made in the July letter, and have decided to accept his recommendations to proceed with the published scheme by making the draft Orders, numbered 1 to 11 in the attached Annex, with the modifications set out in paragraph 9.2 of the Inspector's report, enclosed with their July letter, and to give the exchange land certificates, numbered 12 to 16 in the attached Annex – subject to the amendment on making of the certificate that relates to land at Tyndalls Wood, referred to at paragraph 15 in the July letter.

ORDERS TO BE MADE/CERTIFICATES TO BE ISSUED

7. In the light of the above, the Secretary of State for Transport will make shortly the draft Orders referred to in paragraph 6 above, as recommended by the Inspector. The Secretary of State is satisfied that the modifications to the Slip and Side Roads Orders will not amount to a substantial change for the purposes of paragraph 8(3) of Schedule 1 of the Highways Act 1980.

8. In the light of the above, the Secretary of State for Communities and Local Government will issue shortly the Exchange Land Certificates relating to designated public open space; and the Secretary of State for Environment, Food and Rural Affairs will issue shortly the Exchange Land Certificates relating to designated Common Land.

9. 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, section 23 of the Acquisition of Land Act 1981, and Part VI of Schedule 9 to the Road Traffic Regulation Act 1984, do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Line, Slip, Side Roads and Compulsory Purchase Orders have been made, and in the case of Orders under the Road Traffic Regulation Act 1984, within six weeks from when the Orders are made.

COMPENSATION

9. 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 DOCUMENTS

10. A copy of this letter, together with a copy of the report on the consultation responses, has been sent to those who received a copy of

the July letter and those who responded to the consultation. Any person who was 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 the receipt of this letter, to inspect copies of the consultation responses. Any such application should be made to Stephen Dapaah 01483 884826 at the Government Office for South East. 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



Elaine Kendall
Head of Common Land Branch
Department for Environment,
Food and Rural Affairs



John Scott
Director
Government Office for the South East

No 1	THE A3 TRUNK ROAD (HINDHEAD) ORDER 200 (the Line Order);
No 2	THE A3 TRUNK ROAD (HINDHEAD) SLIP ROADS ORDER 200 ;
No 3	THE A3 TRUNK ROAD (HINDHEAD) DETRUNKING ORDER 200 ;
No 4	THE A3 TRUNK ROAD (HINDHEAD) SIDE ROADS ORDER 200 ;
No 5	THE A3 TRUNK ROAD (HINDHEAD) SIDE ROADS No 2 ORDER 200 ;
No 6	THE A3 TRUNK ROAD (HINDHEAD) SIDE ROADS No 3 ORDER 200 ;
No 7	THE A3 TRUNK ROAD (HINDHEAD) (CLOSURE OF GAPS IN THE CENTRAL RESERVATION AT BRAMSHOTT CHASE) ORDER 200 ;
No 8	THE A3 TRUNK ROAD (HINDHEAD) (CLOSURE OF GAPS IN THE CENTRAL RESERVATION AT BEDFORD FARM AND GREENSAND WAY, THURSLEY) ORDER 200 ;
No 9	THE A3 TRUNK ROAD (HINDHEAD) (PROHIBITION OF CERTAIN CLASSES OF TRAFFIC AND PEDESTRIANS) No 2 ORDER 200 ;
No 10	THE A3 TRUNK ROAD (HINDHEAD) COMPULSORY PURCHASE ORDER (No...) 200 ;
No 11	THE A3 TRUNK ROAD (HINDHEAD) SUPPLEMENTARY COMPULSORY PURCHASE ORDER (No...) 200 ;
No 12	NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(a) OF THE 1981 ACQUISITION OF LAND ACT: LAND AT BRAMSHOTT COMMON, NEAR LIPHOOK, HAMPSHIRE;
No 13	NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(a) OF, AND PARAGRAPH 6(1)(b) TO, THE 1981 ACQUISITION OF LAND ACT: LAND AT HINDHEAD COMMON, HINDHEAD, SURREY;
No 14	NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(a) OF THE 1981 ACQUISITION OF LAND ACT: LAND AT TYNDALLS WOOD, HINDHEAD, SURREY;
No 15	NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(b) OF THE 1981 ACQUISITION OF LAND ACT: LAND AT TYNDALLS WOOD, HINDHEAD, SURREY; and
No 16	NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER PARAGRAPH 6(1)(a) OF SCHEDULE 3 OF THE 1981 ACQUISITION OF LAND ACT: RIGHTS OVER LAND AT HINDHEAD COMMON, HINDHEAD, SURREY