

NORTH YORKSHIRE COUNTY COUNCIL

HIGHWAYS ACT 1980

AND

ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

**THE NORTH YORKSHIRE COUNTY COUNCIL
(A59 (KEX GILL DIVERSION) CLASSIFIED ROAD)
(SIDE ROADS) ORDER 2021**

**THE NORTH YORKSHIRE COUNTY COUNCIL
(A59 KEX GILL DIVERSION)
COMPULSORY PURCHASE ORDER 2021**

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1. INTRODUCTION

PURPOSE OF THE STATEMENT

1.1 This document is the Statement of Reasons in relation to the following Orders which have been made by North Yorkshire County Council (**the Council**):

- (a) the side roads order entitled "the North Yorkshire County Council (A59 (Kex Gill Diversion) Classified Road) (Side Roads) Order 2021" ("**the Side Roads Order**").
- (b) a compulsory purchase order entitled "the North Yorkshire County Council (A59 Kex Gill Diversion) Compulsory Purchase Order 2021" ("**the Compulsory Purchase Order**").

1.2 The purpose of this Statement is to describe the proposals for the A59 Kex Gill Diversion highways scheme ("**the Scheme**"); to explain the reasons for making the Orders; and to explain the statutory procedures which have to be completed prior to the Scheme being implemented.

Summary Description of the Scheme

1.3 The Scheme comprises the construction of approximately 3.94 km length of new highway alignment consisting of a single carriageway with climbing lanes between the North Moor Road junction in the west and Blubberhouses bridge which crosses the River Washburn in the east. It is a resilience scheme that will replace the existing A59 between these locations due to ongoing issues with landslips and ground stability. Sections of the existing A59 will be retained for public and farm access with a section between the existing derelict building known as "Paradise" and the point where a public footpath and unclassified road joins the A59 near North Moor Road being returned to moorland. In addition to this the Scheme will provide:

- Two new underpasses to ensure no severance of Public Rights of Way (PRoW's) and Bridleways. These underpasses will incorporate façade material in keeping with existing natural gritstone;
- Revised PRoW/Bridleway network including betterment of provision by approximately 1.5 km. New dry-stone walls and post and wire fence will separate Bridleway users from the proposed A59;
- New 100m length of retaining wall incorporating façade material in keeping with existing natural gritstone;
- Three junctions with additional accesses; North Moor Road, Hall Lane and Church Hill;
- Revised junction at Church Hill to improve safety and provisions for all users.
- Provision of 12 new culverts and 2 balancing ponds;
- Diversion of Hall Beck by approximately 400m including enhancements, greater sinuosity, riffles and berms encouraging greater uptake of ecology;
- Environmental works for habitat loss mitigation and biodiversity net gain where possible; and
- Providing an area of equally advantageous common land in exchange for common land included in the Scheme.

Powers Under which the Orders are Made

1.4 On 15th October 2019 the Council resolved to make both the Compulsory Purchase Order and the Side Roads Order to facilitate the construction of the Scheme.

- 1.5 The Side Roads Order, which has been made under Sections 14 and 125 and Schedule 1 of the Highways Act 1980, provides for the highway authority to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road. Subject to s.125(2), pursuant to an order under section 14, section 125(1)(a) authorises the highway authority to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the relevant road, and (by virtue of s.125(1)(b)) to provide a new means of access to any such premises.
- 1.6 The Compulsory Purchase Order is made by the Council pursuant to sections 239, 240, 246 250 and 260 of the Highways Act 1980 This provides for the acquisition of land to carry out the works (including those needed by the SRO) and also for the creation of new rights. Under section 239, a highway authority may acquire land required for the construction of a highway (which is to be a highway maintainable at the public expense) or for the improvement of a highway or development of frontages to a highway, or land adjoining a highway. Section 240 sets out further general powers in relation to acquisition of land in connection with construction and improvement of a highway. Under Section 246 a highway authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway. Section 250 provides for the acquisition of rights by the creation of new rights and where exchange land is being acquired for common land, land is to be burdened with new rights. Section 260 allows for land acquired by agreement to be included so as to override the effects of restrictive covenants or other third party rights.

Road Classification

- 1.7 The County Council as Highway Authority is responsible for road classification in North Yorkshire. Classification of the proposed road is a requirement of making the Side Roads Order and approval was given by the Corporate Director for Business and Environment pursuant to delegated authority in the Council's Constitution on 26 October 2020.

Confirmation of the Orders

- 1.8 Confirmation of the Side Roads Order will enable the Council to improve highways, stop up highways, construct new highways, stop up private means of access to premises and to provide new means of private access to premises.
- 1.9 Confirmation of the Compulsory Purchases Order will enable the Council to acquire the land necessary for the construction and maintenance of the Scheme.

2. BACKGROUND TO THE SCHEME

The A59 at Kex Gill

- 2.1 The A59 provides a key strategic east-west connection in North Yorkshire, linking Harrogate and Skipton. The A59 at Kex Gill passes through a rural and open landscape, designated as the Nidderdale Area of Outstanding Natural Beauty (AONB). In addition, large parts of the area are designated as Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 2.2 There is a long history of landslips around this location. These landslips deposit material onto the road leading to unpredictable closures of the A59. Analysis of existing geotechnical information in a number of studies including *A59 Kex Gill Landslip, Blubberhouses Ground Investigation April 2017 by Concept, Landslip, A59 Kex Gill, Blubberhouses, Preliminary Sources (Desk) Study December 2015 by*

Capita indicates that the primary cause of these landslips is heavy rainfall, coupled with relatively unstable land on the hillside slopes, leading to earthwork failures. The most recent landslip occurred in May 2018 resulting in road and lane closures for nearly 12 months. During each of these closures disruption has included a combination of road closures and temporary traffic orders restricting the movement of vehicles along the A59. These restrictions have been varied in length and duration.

Period of Landslip / Road Closure	Duration of Disruption
October 2000	3 weeks
June 2007	3 weeks
September 2010	1 week
June 2011	5 weeks
May 2012	2 days
March 2014	5 weeks
January 2016	8 weeks
May 2018	50 weeks

- 2.3 There have been various engineering works undertaken adjacent to the existing A59 to remediate past landslips and to reduce the landslide risk. Ground stabilisation works have taken place from October 2008 following the report by Norwest Holst (2008) *Report on Ground Investigation at A59 Kex Gill*. Drainage channels were installed on the southern valley face to ease the flow of rainfall and encourage the flow of the water on top of the valley surface. Maintenance of the drainage channels is ongoing to ensure they do not become blocked.
- 2.4 Remedial works to the existing retaining wall, close to the main landslip area, have been ongoing for several years. These remedial works include localised replacing of blockwork due to resilience issues and the reviewing and cleansing of existing flow channels and drainage pipes. This work was carried out by NYCC using information supplied by Jacobs Consulting.
- 2.5 Movement gauges have been placed at various locations on the southern face of the valley in order to provide early warnings of when landslips are likely. These gauges remain in place for resilience and safety purposes. The results of these gauges have influenced the recommendations of the aforementioned reports by Capita and Concept.
- 2.6 In view of the extent of the area at risk at Kex Gill and the large scale of the existing or potential landslide features, full stabilisation of the area at risk would require extensive and very substantial engineering works and is unlikely to be practicable or environmentally acceptable. It is thus probable that the existing A59 would remain susceptible to landslides and related disruption.
- 2.7 Furthermore, whilst the specific effects on landslide activity are difficult to quantify, landslide events are frequently related to individual extreme rainfall events or years with generally higher winter rainfall. It is therefore probable that, given the projections of future climate change, which indicate increased rainfall in winter months, this will result in some increase in the frequency of individual landslide events and/or the re-activation or increased movement of existing and/or derelict landslide features.
- 2.8 An Options Assessment Report was produced in May 2017 followed by an addendum in September 2017. These outlined the approach taken to identify eight corridors containing a total of 16 road alignment options. Further assessment against the Scheme's objective, environmental constraints and areas of geotechnical

instability took place during 2018. This resulted in 20 road options being considered as part of the intervention process.

- 2.9 Further development work on the feasible options continued beyond the submission of the Outline Business Case (OBC) to the Department for Transport (DfT) in June 2018. The OBC was therefore further supplemented by the Technical Appraisal Report (TAR) in December 2018 which detailed all the options that had been considered to determine the preferred alignment. The OBC was re-submitted to the Department for Transport in January 2019 along with the TAR.
- 2.10 The studies, site investigations and the production of reports have resulted in the conclusion that the existing A59 alignment is not resilient for future demands and cannot be made so within existing engineering constraints. The ongoing maintenance of the existing drainage channels, pipes and retaining wall combined with the active monitoring and reaction to the landslip movement gauges sited on the valley side have concluded that long-term stability of the valley is an issue and that engineering solutions are not feasibly practical.
- 2.11 Given the nature of the landslip problems at Kex Gill, it is considered that the only way to ensure continued east-west connectivity on the A59 is to divert the Kex Gill section of the route out of the landslip risk area. The Council has therefore made the Compulsory Purchase Order and Side Roads Order to deliver the Scheme.

The A59 Kex Gill Diversion Scheme (the Scheme)

- 2.12 The Scheme is proposed in order to ensure highway resilience; a strategic east – west connection is maintained and the safety of all road users, including local amenity users of the Nidderdale AONB and associated area at Blubberhouses.

The Side Roads Order

- 2.13 The Council has made a Side Roads Order on 30 July 2021 in association with the Scheme, called the North Yorkshire County Council (A59 (Kex Gill Diversion) Classified Road) (Side Roads) Order 2021.
- 2.14 The purpose of the Side Roads Order is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road, it is necessary to improve, or stop up existing highways and to construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land and premises and to replace those where necessary with new means of access. Certain public rights of way are either stopped up and/or diverted.
- 2.15 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the Side Roads Order and shown diagrammatically on the Plans. The Scheme will require:
- 2.16 Alterations of side roads and accesses:
- A new access to the moor north of the stopped up A59 will be provided from the tie in of the new A59;
 - A new access will be provided to the vacant premises south of bridleway 15.14/15/1 near to its junction with North Moor Road via the new underpass;
 - A new access will be provided to Botham's Farm using the stopped-up section of the A59 from the realigned Church Hill/Cooper Lane;
 - A new access will be provided to St. Andrew's Church from the realigned Church Hill/Cooper Lane; and

- There will be improvements to North Moor Road, Hall Lane and Cooper Lane.

2.17 Stopping up of highways:

- The A59 will be stopped up from its junction with North Moor Road to its junction with Church Hill and Hall Lane;
- Bridleway 15.14/5/1 will be stopped up from its junction with North Moor Road to Hall Lane and replaced by a new bridleway/restricted byway running alongside the new A59;
- a short section of Footpath 15.14/4/1 will be stopped up and will be replaced by the new footpath/bridleway linking up with North Moor Road via the new underpass;
- Unclassified Unsurfaced Road U8056/9/30 will be stopped up and replaced by a link using the stopped up A59, a new restricted byway and underpass to the existing Footpath 15.14/5/1;
- Church Hill fronting St. Andrew's Church will be stopped up along with section of Hall Lane and will be replaced by a new separated junction; and
- Footpath 15.14/7/1 will be stopped up and replaced by a new bridleway using the stopped up A59 and the new separated junction to link in with Hall Lane.

The Compulsory Purchase Order

2.18 The Compulsory Purchase Order has been made by the Council on 30 July 2021. The Order Land is required for the construction and maintenance of the A59 Kex Gill diversion and Title to the Order Land is required for the following categories of land use:

- Classified road – A59;
- lengths of New Highway connecting the diversion of the Classified Road to existing highway;
- Turning heads where existing highway is to be stopped up;
- Areas of highway to be improved;
- New bridleways, footways and restricted byways;
- New and relocated private means of access;
- New private means of access for third parties;
- Off-site planting for mitigating environmental impact; and
- Providing an area of equally advantageous common land in exchange for common land included in the Scheme.

2.19 New Rights over the Order Land are required for the following categories of land use:

- Rights to construct, access and maintain highway structures including retaining walls, underpasses and culverts;
- Rights to construct, access and maintain drainage outfalls;

- Rights to construct, and access accommodation tracks;
 - Rights to construct new private means of access;
 - Rights to carry out earthworks for mitigating flood risk/visual impact; and
 - Rights to divert statutory undertakers' apparatus.
- 2.20 The land and interests over land together with new rights proposed to be compulsorily acquired pursuant to the Order ("**the Order Land**") (unless acquired by agreement prior to the CPO being confirmed) comprise a total area of 35.86 hectares.
- 2.21 Title to the land is required in relation to 35.6 hectares and 0.20 hectares are required in relation to Rights over land for construction, access and maintenance. The Order Plans detail the specific plots with areas for Title shaded pink and areas for Rights shaded blue. An area of 9.73 hectares is required in exchange for Common Land being acquired for the Scheme.
- 2.22 The Order Land falls within the Parishes of Blubberhouses and Fewston all within the District of Harrogate.
- 2.23 Full details of the Order Land appear in the Schedule to the Compulsory Purchase Order, but in summary it includes land to the east of North Moor Road and land to the north of the existing A59, west of North Moor Road, extending in a generally north easterly direction. This includes moorland and agricultural land at Blubberhouses Moor lying between North Moor Road and Hall Lane. It also includes agricultural land and woodland as part of Hall Farm extending in a generally south easterly direction and lying between public Bridleway 15.14/5/1 and the existing A59. To the east the scheme includes part of Hall Beck and further agricultural land to the north and south of the existing A59, up to Church Hill in the south and Hall Lane to the north. It also includes woodland east of Hall Lane and west of the River Washburn and part of Skipton Road, where the scheme terminates.
- 2.24 The Schedule to the Order details the qualifying persons. For the purposes of ascertaining those persons falling within paragraph (b) of Subsection 12 (2A) of the Acquisition of Land Act 1981 the Council through its consultants has undertaken diligent inquiries which have included obtaining full HM Land Registry title information, serving Requisitions for Information on known Landowners and conducting site visits in the Scheme area to discover the existence of third party rights.
- 2.25 Table 2 of the Schedule to the Order shows (among others) those persons the Council considers most likely to be entitled to make a relevant claim pursuant to Section 10 of the Compulsory Purchase Act 1965. It shows a number of persons who may be entitled to compensation under other applicable legislation or who may not. The inclusion of any persons in the Schedule to the Order does not constitute an admission by the Council that those persons will in fact be entitled to make any relevant claim.
- 2.26 It is clear, however, that if implementation of the Scheme is to be achieved within a realistic timescale then compulsory purchase powers must be employed. The Government's guidance on compulsory purchase, contained within "Guidance on Compulsory Purchase process and the Crichel Down Rules for the disposal of surplus land acquired by or under the threat of, compulsion" ("**the CPO Guidance**") advises that it is often sensible for the formal CPO process to be initiated in parallel with negotiations to acquire the Order Land. The Council has started discussions with all the freehold and leasehold landowners whose interests will be required for the Scheme. The Council has also contacted all other parties with interests in the land such as agricultural tenants, statutory undertakers, highway moieties and option

holders, to advise them of the Scheme proposals, the extent to which they may be affected either directly or indirectly and where necessary to advise the requirement for acquisition of that interest.

- 2.27 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest. The Council is satisfied for the reasons set out within this Statement that a compelling case exists here.
- 2.28 Paragraph 2 of the CPO Guidance advises that Acquiring Authorities should only use compulsory purchase powers where it is expedient to do so and there is a compelling case in the public interest. It adds that compulsory purchase is intended as a last resort to secure the assembly of all of the land needed for the implementation of projects. However, it acknowledges that if an acquiring authority waits for negotiations to break down before starting the process, valuable time may be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the process, for the acquiring authority to plan a compulsory purchase timetable as a contingency measure and initiate formal procedures. This will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations. Paragraphs 2 and 12 also advise that when making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Paragraphs 2 and 16 also state that the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights required by agreement, except where land ownership is unknown or in question.
- 2.29 Reflecting this advice, the Council has sought to acquire all of the land and interests acquired by agreement. However, it is clear from its negotiations that it is not going to be possible to secure all of the land and interests required within a reasonable timescale and that it is therefore necessary to make a compulsory purchase order to secure the implementation of the Scheme.
- 2.30 Paragraph 15 of the CPO Guidance also advises that the Acquiring Authority will need to show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation. Subject to confirmation of the Compulsory Purchase Order, the associated Side Roads Order and the grant of planning permission for the Scheme, the Council is confident that there will be no such impediments.
- 2.31 Paragraph 13 of the CPO Guidance advises that the Minister confirming the order has to be able to take a balanced view between the intentions of the Acquiring Authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the authority can present, the stronger the case is likely to be. However, the confirming Minister will consider each case on its own merits and this Guidance is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. It is not essential to show that the land is required immediately to secure the purpose for which it is to be acquired, but a confirming Minister will need to understand, and the authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers sought at this time. If the authority does not have a clear idea of how it intends to use the land it is proposing to acquire and cannot show that all of the necessary resources are likely to be available to achieve that end within a reasonable timescale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making. The Council has taken this advice into account in promoting the Compulsory Purchase Order.

- 2.32 The CPO Guidance, at paragraph 14, also advises that in preparing its justification, the authority should provide substantive information about the sources of funding available for the acquisition of the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the authority should provide an indication of how any potential shortfalls are intended to be met. This should include the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme and the basis on which the contributions or underwriting is to be made. It also advises that consideration will be given to the timing of that funding. Funding should generally be available now or early in the process. Failing that, the confirming Minister would expect funding to be available to complete the compulsory acquisition within the statutory period following the operative date and only in exceptional circumstances, would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years. Evidence should also be provided that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice.
- 2.33 There is clarity about the purposes for which the land is to be compulsorily acquired namely that it will be acquired for the Scheme and adopted for highway uses.
- 2.34 The Scheme has been specified against all relevant planning and highway standards. The route alignment is the product of a considered balance between meeting the required highway design standards, minimising land take whilst being mindful of the significant environmental and ecological designations within the AONB. The design of the Scheme seeks to deliver a high quality road and accessibility infrastructure in a green landscaped setting in accordance with best practice.
- 2.35 The Council has consequently made the Compulsory Purchase Order to secure the outstanding interests, new rights and Common Land required to enable implementation of the Scheme, which is necessary to achieve the long-term resilience of the A59. Discussions will, however, continue with owners of relevant interests who are willing to sell by agreement and under compensation agreed in accordance with the Compensation Code and statutory powers with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Council is in accordance with the advice contained within the Guidance.
- 2.36 On confirmation of the Compulsory Purchase Order, the Council intends either to serve a Notice (or Notices) to Treat or execute one or more General Vesting Declarations, in order to secure unencumbered title of the Order Land.

3. NEED FOR THE SCHEME

Existing Conditions

- 3.1 The current route of the A59 at Kex Gill passes through a rural and open landscape, designated as AONB. The surrounding landscape is highly valued for its recreational resource. The area lies within Natural England's National Character Area (NCA) 21: Yorkshire Dales and NCA 22: Pennine Dales Fringe. Large parts of the area are designated as SSSI, SPA and SAC. Additionally, a number of Sites of Importance for Nature Conservation (SINC) have been designated by the Local Authority and there are also two ancient woodlands to the east of the study area. These woodlands are located towards Blubberhouses and west of Hall Lane in close proximity to Hall Beck.
- 3.2 Approximately 9,712 vehicles use this route each day with 17% being HGV's. The A59 section in the east is currently relatively flat but climbs up the valley in a westerly direction whilst meandering tightly around natural bends in the landscape. The

forward visibility, lane widths and overall engineering geometry is generally not to current design standards, particularly considering the relatively high number of HGV's that use the route. The route is used principally for the transportation of goods and people, but also as an access route to Fewston Reservoir amenities, the Six Dales trail and general access to the AONB.

- 3.3 The narrow road widths increase the potential for collisions and conflicts between vehicles and infrastructure, such as the safety barrier. As the road moves from Kex Gill Farm to Blubberhouses the road passes through significant natural cuttings. To protect vehicles from the sheer valley face localised safety barrier is present. There is visible evidence that this barrier has frequently been collided into which further reinforces the safety issues associated with the narrow lane widths.
- 3.4 As set out in section 2 of this Statement there is a long history of landslips on the land above the A59 at Kex Gill. These landslips deposit material onto the road leading to closures of the A59. The financial cost of intervention for the authority and the disruption to users of the route has been increasing over the last ten-year period and the risks of earthwork failures have slowly been shifting from a slope stabilisation risk to a global stability risk of the carriageway itself. The latest instability issue cost the authority £1.42 million.

Future Problems

- 3.5 If nothing is done to address the existing situation then in the event of a landslip at Kex Gill, the A59 is closed and users are forced to use the official diversion route which adds a minimum of 9 km to the journey distance. This has a significant adverse impact on the resilience of the route in terms of journey time reliability and on east-west connectivity. This results in a detrimental impact on transport users through increased journey time and more money spent on fuel through an increase in journey distance and congestion. In addition, the unreliable journey time adversely impacts businesses particularly those which employ a Just-in-Time (JIT) strategy reliant on receiving goods only as they are needed in the production process. Consequently, road closures on the A59 have an adverse impact on the local economy.
- 3.6 Furthermore, the current official diversion route is unsuitable for continued use as a diversion. It runs through residential areas in a number of towns in West Yorkshire which creates adverse impacts (noise, vibration) for local residents. Additional traffic and congestion results in adverse impacts to the communities of Ilkley, Burley in Wharfedale and Otley, amongst others. Impacts include contributing to adverse air quality issues on Main Street in Pool-in-Wharfedale where an Air Quality Management Area (AQMA) designation is being proposed.
- 3.7 A number of other roads not part of the official diversion route are also used when the A59 is closed at Kex Gill, creating adverse impacts to the communities along these routes as well. These roads are generally either B Road or a lower standard and hence are not necessarily suitable for large volumes of traffic, or significant numbers of HGVs in particular. The routes do not necessarily offer a shorter distance compared to the official diversion route but may be being used to avoid congestion on the official diversion route.

Scheme Objectives and Benefits

- 3.8 In 2015, NYCC published a Transport Prospectus for North Yorkshire, (the Prospectus) outlining how NYCC would like to work with the Government, Transport for the North (TfN) and the northern City Regions to ensure that improved transport connections allow North Yorkshire to contribute to, and share in the economic benefits of the Northern Powerhouse. To achieve these three strategic transport priorities were identified: Improve east-west connectivity, improve access to high speed and conventional rail and improve long distance connectivity to the north and

south. The Prospectus notes that Craven district has been disadvantaged for many years by poor transport links and the A59 has a strong and clear link to the district and the Scheme will significantly contribute to the priority of improving east west connectivity.

- 3.9 The document proposes to address challenges on the A59 through three desired interventions, the cornerstone of which is the provision of three additional climbing lanes between Harrogate and Skipton including the realignment at Kex Gill in order to address the major landslip risk. The A59 Kex Gill Diversion Scheme is recognised to enhance accessibility and connectivity and to improve the safety aspect of travelling along the route.
- 3.10 The Scheme will bring the following specific benefits:
- 3.10.1 Enhanced resilience of the A59 route between Skipton and Harrogate by diverting the A59 through an area that is not susceptible to landslips and thereby reducing the impacts of future landslip related closures of the A59. This will also result in reduced traffic volumes and associated traffic impacts (such as severance) on the diversion routes, during road closure events;
- 3.10.2 The new alignment incorporates overtaking opportunities, along the A59, which will result in reduced and more reliable journey times due to vehicles less likely to be travelling in convoy behind slower moving vehicles. This will support economic growth by enhancing strategic east-west connectivity through the area, which is a key objective for Transport for the North and North Yorkshire County Council;
- 3.10.3 The improved alignment is also anticipated to provide benefits relating to road safety through a reduction in road accident casualties and severity of accidents. Causation of recorded accidents on the A59 related to the existing, winding alignment of the route through Kex Gill as well as collisions with objects in the road potentially associated with debris falling from the Kex Gill slopes. Furthermore, there will be reduced risk that road users could be caught in a future landslip, which would potentially result in serious injury or death.
- 3.10.4 Reduced financial burden to the Council will result due to the costs of scheduled and unscheduled maintenance of the road decreasing. There will also be reduced costs borne by users of the routes as they will no longer have to travel increased journey lengths and experience increased journey times along the diversion routes.
- 3.11 Economic analysis undertaken as part of the Business Case for the scheme identified that the Scheme is expected to generate significant economic benefits. In particular, it is forecast to generate transport related benefits of £128.8m over the 60-year appraisal period. The benefits have been calculated in line with the Department for Transport's (DfT) Transport Appraisal Guidance and associated software tools; including QUADRO (QUEues And Delays at ROadwork) to calculate benefits from reduced road closures and COBALT (Cost Benefit Analysis Light Touch) to calculate accident benefits. The forecast benefits reflect the improvements and changes in journey times and vehicle operating costs for transport users. This results in a benefit to cost ratio of 4.3 which puts the Scheme in the very high value for money category based on the DfT Value for Money categorisation.

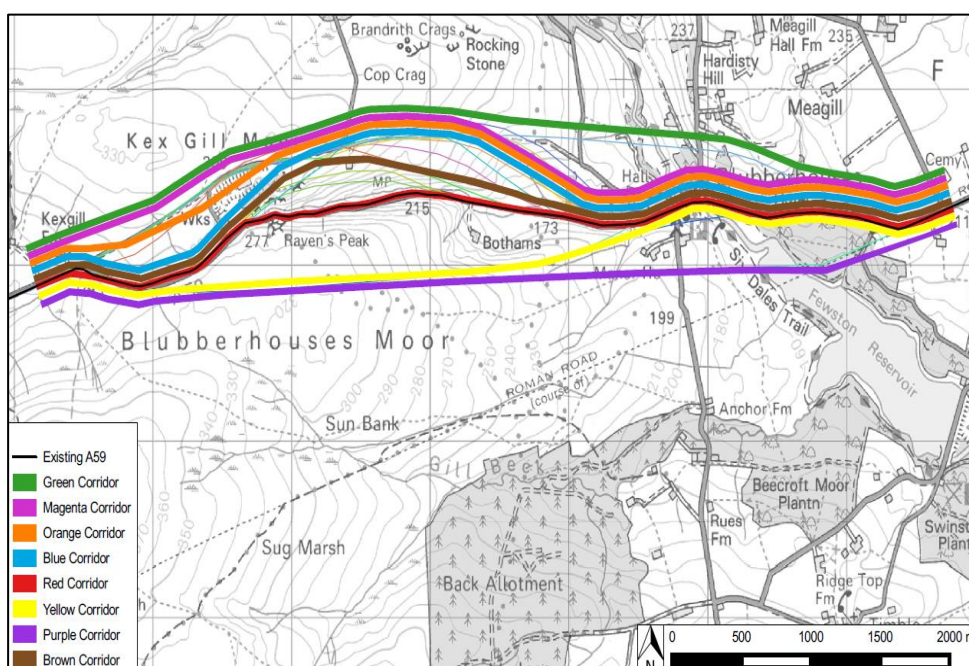
4. THE SCHEME

4.1 Development of the A59 Kex Gill Diversion Scheme

- 4.1.1 As set out in Chapter 2, above, the A59 area around Kex Gill suffers from a serious ongoing issue of landslips. This results in unscheduled closures of the road, and

poses an ongoing risk to the safety of road users. Whilst a substantial mitigation programme has been undertaken to address these issues, it is considered that there remains a serious and ongoing risk from landslips to the A59 around Kex Gill.

- 4.1.2 In 2016, NYCC began work on developing options to address the issue, and an Options Assessment Report (OAR) was published in May 2017.
- 4.1.3 The OAR identifies a series of significant environmental constraints around Kex Gill, including Nidderdale AONB; a SSSI; a Special Protection Area (SPA) and Special Area of Conservations (SAC) and a Site of Importance for Nature Conservation. These designations are illustrated on the Environmental Constraints Plan that is submitted with this Statement of Reasons.
- 4.1.4 The OAR identified 16 potential road alignment options, as illustrated below.



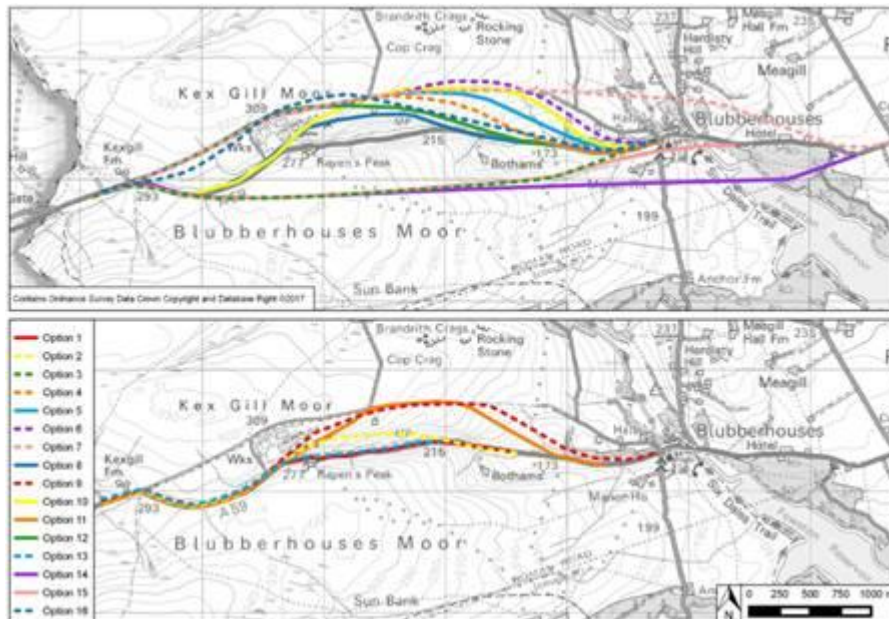
- 4.1.5 These road alignment options included two (the Yellow and Purple Corridors) to the south of the existing A59. These corridors would avoid direct impacts on Blubberhouses Quarry and also the wider silica reserve that is located to the north of the existing A59 and that is the subject of a safeguarding policy in the emerging North Yorkshire County Council Minerals local plan.
- 4.1.6 The identified route options were subject to a structured sifting process in line with the Department for Transport’s (DfT) Transport Analysis Guidance (WebTAG) and using the DfT’s Early Assessment and Sifting Tool (EAST).
- 4.1.7 The OAR concluded that three corridors (magenta, blue and orange), all to the north of the existing A59, could provide a suitable, cost-effective solution to the problem of landslips associated with the Kex Gill section of the A59.
- 4.1.8 Page 8 of the OAR states that *‘Whilst the Yellow, Green and Purple corridors also score well against many of the metrics, there are several reasons why, overall, they are not considered to be amongst the better performing corridors:*
 - *Costs in excess of £70m (£100m in the case of the Green and Purple corridors) therefore becoming increasingly unaffordable, particularly as they are unlikely to offer a similar level of increase in benefits.*

- Implementation timescales are shown to be longer than that of other corridors.
- Significant adverse environmental impact on environmentally sensitive areas resulting from the extensive construction in areas designated as AONB, SSSI, SPA and SAC also resulting in lower public acceptability.
- Finally, the practical feasibility of delivering these corridors is lower, partly due to the need to deal with extensive peat deposits with water courses crossing route causing stability/drainage issues and, in the case of the Green and Purple corridors, the need for substantial structures.'

4.1.9 Page 104 of the OAR further confirms that 'Whilst Yellow, Green and Purple corridors offer many of the advantages of the Blue, Magenta and Orange corridors, they involve extensive construction in an environmentally significant area and involve step change in the level of funding required, being in excess of £70m, whilst being unlikely to offer any comparable increase in the level of benefits.'

4.1.10 For these reasons the yellow and purple routes to the south of the existing A59 were not taken forward for further consideration.

4.1.11 An addendum to the OAR was issued in September 2017 as the Magenta corridor was adapted to incorporate the only option from the Orange corridor due to the very similar alignment of the two corridors. These revised corridors were reported to the public during a public engagement exercise in September 2017 with the Magenta corridor being identified, at that stage, as the preferred corridor.



4.1.12 Subsequently, when additional survey information was obtained, it was identified that the Blue corridor and one option within the Magenta corridor were not viable for further consideration, due to their proximity to areas of geotechnical instability. As such, the Outline Business Case (OBC) submitted to the DfT in June 2018 solely considered options from the Magenta corridor.

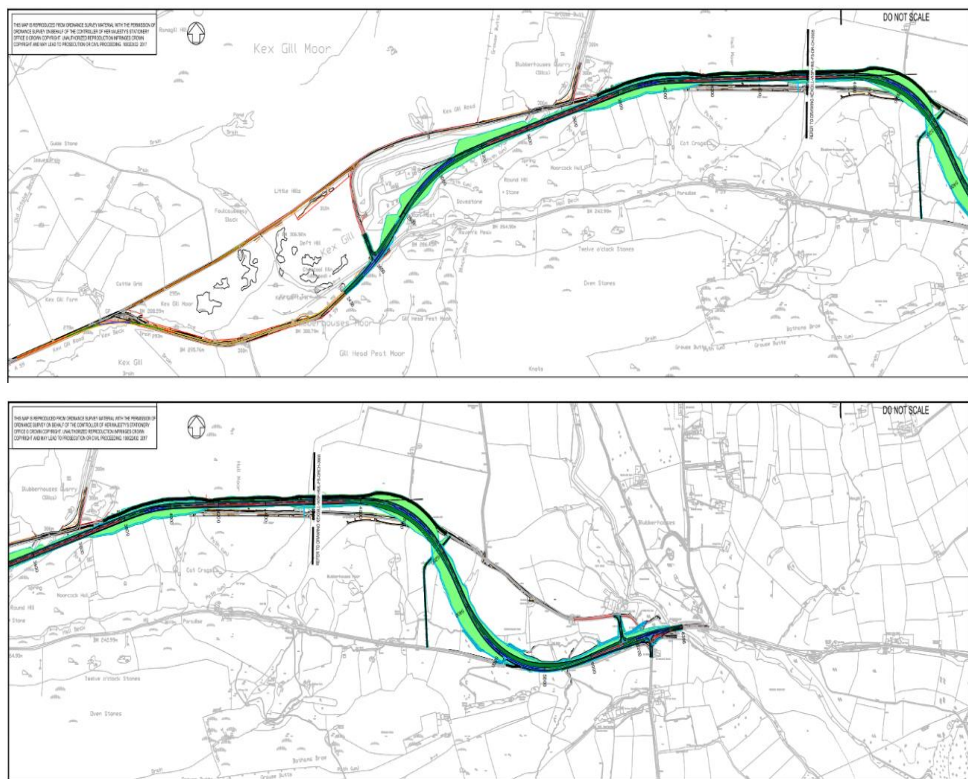
4.1.13 Further development and assessment of the remaining options within the Magenta corridor identified additional and significant constraints within an area designated as West End Marsh Site of Importance for Nature Conservation (SINC). To mitigate the risk of potential slope failures for each of the options it was necessary to significantly

increase the footprint for earthworks within West End Marsh SINC. The works would have led to significant loss of habitat within that area and owing to the cumulative effect of these impacts, these options were no longer considered viable for further consideration.

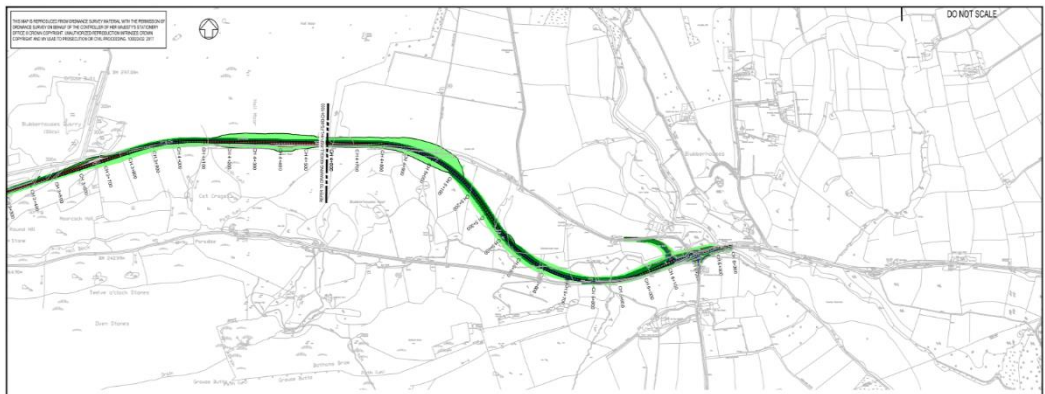
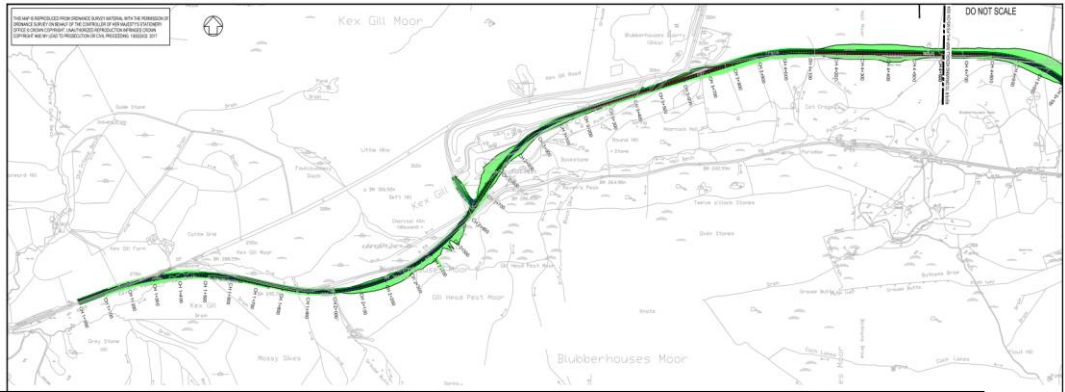
4.1.14 Consequently a review was undertaken as part of the Technical Appraisal Report to assess which of the options performed best against the Scheme objectives and to establish if any of those previously discounted options could be reconsidered and redesigned to identify potential viable options.

4.1.15 The review identified two alternative options that avoided the known areas of geotechnical and environmental sensitivities: options 17 and 18 as well as variations to options 9 and 10 in the blue corridor. All these route options would have some impact on Blubberhouses Quarry and the wider identified Mineral resource, and are as follows:

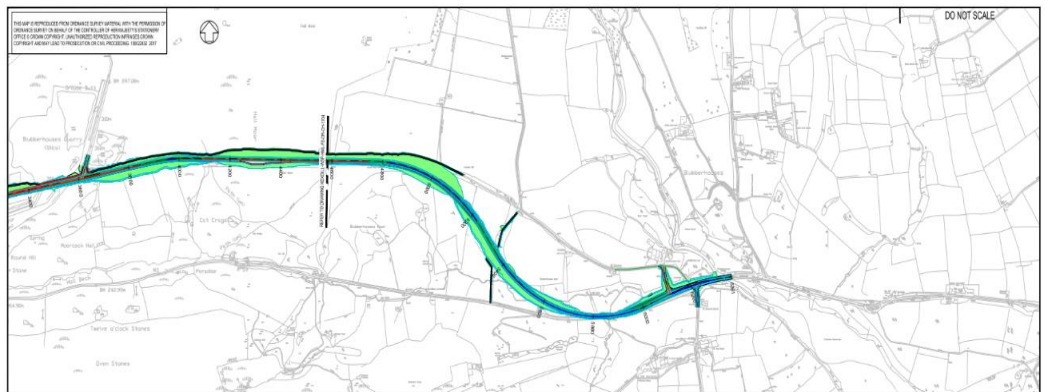
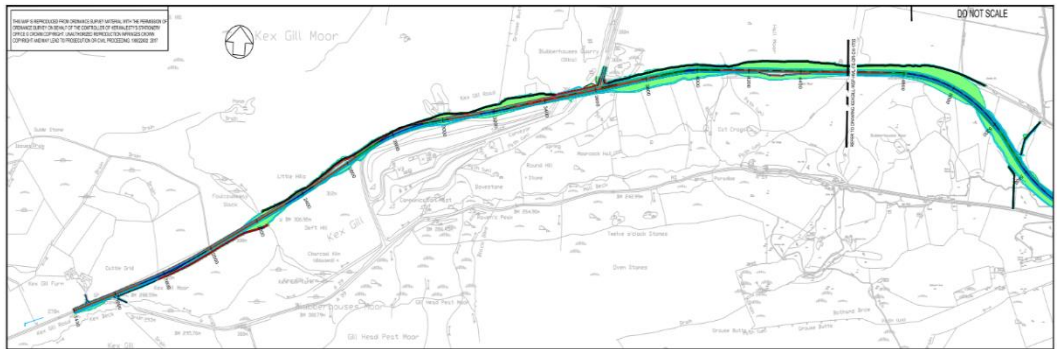
4.1.16 Option 9 (amended horizontal and vertical profile from that presented in the OAR):



4.1.17 Option 10 (amended horizontal and vertical profile from that presented in the OAR);



4.1.18 Option 17 (new option, essentially a variation of Option 6 presented in the OAR).



4.1.19 Option 18 (new option, essentially a variation of Option 6 presented in the OAR).



- 4.1.20 An earlier phase 1 habitat surveys (November 2017) had been undertaken that identified the presence of marshy grassland, as well as dry and wet heath, towards the western extent of the scheme (to the west of North Moor Road Junction). The broad classifications of marshy grassland, dry heath and wet heath can all indicate the presence of bog and/or peat underneath. As such, a vegetation survey was subsequently undertaken in June 2018 to provide more detail on the habitat classifications and to identify whether the habitats could potentially be aligned with the qualifying features of the North Pennine Moor's conservation designation. It was identified that blanket bog and heath communities were present within the vicinity of the proposed option alignments and therefore, assessment of the impact Options 9, 10, 17 and 18 would have on areas of these habitat types was undertaken.
- 4.1.21 From this assessment Options 10, 17 and 18 were found to have direct and indirect impacts upon several habitat types whereas Option 9 did not. Therefore Options 10, 17 and 18 were discounted from further consideration. Option 9 was therefore considered the only remaining viable option that met the requirements of the scheme objectives, and predominantly avoided the numerous areas of environmental and geotechnical sensitivities identified within the study area.
- 4.1.22 The Option 9 variant was taken to NYCC's Executive on 24th July 2018. The accompanying report sets out a preferred alignment, for the A59 at Kex Gill, confirming that the preferred alignment '*has been developed as a consequence of the need to avoid areas shown through the ground investigation surveys to be unstable, or to have potential for instability, balanced with the requirement to avoid the legally protected landscape areas.*'
- 4.1.23 Option 9 variant for the new alignment was approved by NYCC's Executive on 24th July 2018 and comprises the basis of the current Scheme.
- 4.1.24 A Technical Appraisal Report (TAR) was published in December 2018 to provide an update on option development since the publication of the OAR and OBC. The TAR covered the following:

- The process used to identify the need for an intervention (based on the current and future issues);
 - The process of option development and sifting used for the OAR and OBC;
 - All additional information and factors that had arisen since submission of the OAR and OBC;
 - How the identification of new information has resulted in discounting of previously viable options and the evolution of new options and option variants;
 - A technical appraisal of the remaining viable options (9,10,17 and 18); and
 - Identification of the preferred option.
- 4.1.25 Detailed design of the Option 9 variant took place during 2019 with continued stakeholder engagement with the aim of minimising land acquisition whilst ensuring compliance with legislation and the requirements of the landowners in terms of land and grouse moor operations, future quarry operations, public access etc. The detailed design was concluded in January 2020 with this option being selected for the Compulsory Purchase Order.
- 4.1.26 The Scheme is a major investment on the A59 in order to ensure the long-term resilience of the east-west connectivity route between Harrogate and Skipton. The Scheme is also of high importance due to the Council having to meet their obligations of providing safe and free-moving transport infrastructure. As a result of the continuing resilience issues at this location there is significant and overwhelming public support for the proposals.
- 4.1.27 All of the land and rights being acquired are necessary to deliver the Scheme. A lesser land-take, or acquisition of lesser rights, would not enable delivery as the Scheme would not be compliant with environmental legislation, road design standards, statutory and non-statutory body requirements etc.
- 4.2 **Detailed Description of the A59 Kex Gill Diversion Scheme**
- 4.2.1 The proposed A59 alignment commences east of Kex Gill Farm, prior to North Moor Road and runs to the east of Church Hill, prior to Fewston Reservoir car park and Blubberhouses. It will lie within the Nidderdale AONB and close to a number SINC, SSSI, SPA and SAC designated areas. There are also two ancient woodlands to the east of the study area, close to Hall Lane / Hall Beck. It will typically comprise of single carriageway, with running lane widths (eastbound and westbound) of 3.65m, i.e., 7.3m in total. A 1m hard strip will be created on both sides of the carriageway along with 2.5m verges, making for an additional width of 7m and hence an overall width of 14.3m. The total length of the proposed carriageway is approximately 3,940m. For an approximate 2,300m section of this, an additional climbing lane will be provided. In these locations, the highway alignment cross section will be 17m, comprised of a 3.4m lane (eastbound) and two lanes of 3.2m and 3.4m (westbound); the hard strip and verge widths at these locations will be 1m and 2.5m respectively.
- 4.2.2 The Scheme will impact with several sections of the existing bridleway/public right of way along the northern section of the valley. This falls within close proximity to the Blubberhouses Quarry. The Scheme will see the introduction of two new underpasses and a revised bridleway/public right of way network to ensure no severance and betterment (approximately 1.5km) of the existing provisions. Sympathetically designed dry stone walls and post and wire fencing delineating the bridleways from the highway will be installed. The use of natural gritstone for the walls will be promoted in areas where features, such as retaining walls or wing walls exist.

- 4.2.3 As the route passes close to the existing telecommunication masts, at the western end of the scheme, a 100m long retaining wall, formed of contiguous bored piles with a gritstone facing, to protect the masts from the cut slope will be required.
- 4.2.4 There will be three junctions along the Scheme with additional accesses to be provided. North Moor Road is located at the western end of the scheme and Hall Lane and Church Hill are both located at the eastern end of the scheme. Verge widening is required at junctions to improve visibility against earthworks or vehicle restraint systems. Verge widening is also required adjacent to the proposed tight radius curves on the diverted A59. Accesses to fields (for occupants/owners) will be provided as well as an access road to Bothams Farm, which will utilise a section of the existing A59. The section of the existing A59 west of Paradise will be returned to green scape.
- 4.2.5 There will be 13 new culverts along the length of the new road diversion and two balancing ponds. Some of the culverts will be used to allow Hall Beck to be diverted underneath the diverted A59. The diversion of Hall Beck (400m) will be designed to replace and, where possible, enhance the physical form and function (habitat) that is being lost due to the new culverts across the beck. The design would be a sinuous platform, with diverse physical habitats, including pools, riffles, point bars and low-level berms, which would be planted with a native mix of wetland species. The riparian corridor would also be a native wet woodland species mix. Habitat loss mitigation will be used to achieve an overall biodiversity net gain for the Scheme.
- 4.2.6 NYCC considers that the Scheme being taken forward follows the optimum alignment, incorporates environmental and landscaping features and has been developed following feedback from affected stakeholders. The Council has taken steps to reduce the impact of the Scheme on businesses and landowners but provide the necessary highway resilience to enable the Scheme to be taken forward.

4.3 **Blubberhouses Quarry and the Wider Mineral Reserves**

- 4.3.1 Blubberhouses Quarry is a part worked, mothballed silica sand quarry that is located to the north of the existing A59. The Quarry was previously under the control of Hanson.
- 4.3.2 In 1985 planning permission was granted by the Secretary of State for the Environment for the development of 83.4 hectares as a quarry and processing plant site with the extraction of silica sand within an area of 38.66 hectares. At the date of the original planning permission the Secretary of State determined that the area of consent was sufficient to justify investment and to supply the market for the 25 year life.
- 4.3.3 Mineral processing plant was installed, and quarrying commenced in 1987. The site was operational until 1991, at which point it was mothballed indefinitely. The processing plant was demolished in 2007 under health and safety concerns following persistent trespassing, leaving an area of concrete hardstanding with access to the highway.
- 4.3.4 The working method of the quarry was through periodic blasting of the quarry face, with the extracted rock being transported across North Moor Road to the plant site, where the sandstone is crushed, screened and graded to produce various grades of silica sand. Silica sand is used in industrial processes including glass making and is relatively rare with only a number of sources in the UK, including sand beds through Surrey and Kent, and in Bedfordshire, Norfolk and Cheshire.
- 4.3.5 The original planning permission was time limited to 31st December 2011. Hanson UK submitted a planning application in December 2011 to renew the permission with an extension of a further 25 years. That planning application remains undetermined. Hanson UK quoted, within their application, that there are an estimated 4.05 million

tonnes of minerals remaining within the permitted area which they proposed to work at a rate of 250,000 tonnes per annum, equating to a life of 16 years if extraction is recommenced.

- 4.3.6 As well as Blubberhouses Quarry planning permission there is also a wider, unconsented, silica reserve of up to 10 million tonnes that lies beyond the extent of the current planning application.
- 4.3.7 The presence of Blubberhouses Quarry in close proximity to Kex Gill was acknowledged at paragraph 4.2.5 of the OAR. The same paragraph confirms that silica sand '*is a scarce and nationally significant mineral*' and acknowledges the proposal to safeguard the resource contained in the emerging North Yorkshire Council Minerals and Waste Joint Plan.
- 4.3.8 The strategic fit of the various route options, which includes an assessment of how the schemes fit with key transport and government objectives (including NYCC's emerging Minerals and Waste Joint Plan) was assessed as part of the scoring exercise for each route option. The process followed is compliant with the DfT's WebTag process for scheme development. As set out above, all the best scoring route options lay to the north of the existing A59, meaning that all the preferred options would inevitably have some impact on the unconsented wider silica reserve. Further details of consultations with the owners of Blubberhouses Quarry to minimise the impact on the quarry are set out in Part 6 of the Statement of Reasons.

4.4 **Drainage**

- 4.4.1 The drainage proposals for the Scheme take into account the surface water runoff from the highway itself and the interception of the natural drainage paths from the northern section of the alignment as a result of the positioning. The drainage is proposed as per the following:
- 4.4.2 The highway drainage design has been designed with an allowance of 30% climate change.
- 4.4.3 Discharge to the Hall Beck and its tributaries will be limited to the existing greenfield runoff rate for the highway catchment areas for the 1 in 1, 30 and 100 return periods. Attenuation is provided through the provision of two drainage ponds and oversized pipes to address the collection and discharge of road related runoff.
- 4.4.5 Groundwater assessments found that all potential areas for infiltration had groundwater levels close to the surface, preventing any surface water runoff disposal by infiltration. The proposed drainage therefore discharges the highway runoff to Hall Beck and local small tributary watercourses.
- 4.4.6 Highway runoff is proposed to be collected across the proposed development area by filter drains in the verge and Kerb and Gullies across overpasses or culverts, as required. There are eight outfalls within the drainage networks with all water ultimately being discharged to the Hall Beck.
- 4.4.7 There are certain areas within the proposed development area where potential flows from groundwater emergence were predicted to contribute to the highway drainage base flow. In order to prevent groundwater flooding to the proposed carriageway and elsewhere, this additional groundwater inflow has been incorporated within the highway drainage design. As a conservative approach, the groundwater discharge rate has been restricted to greenfield rates. Additional attenuation capacity has been allowed to cater for this groundwater emergence.
- 4.4.8 Land drainage is proposed at the top of the proposed embankment cuttings to ensure overland flow does not drain onto the carriageway. Land drainage will also be applied at the toe of proposed embankments where suitable to ensure that flows from the engineered embankments do not cause any flooding to third party land/property. This overland drainage will be directed towards the closest watercourse for discharge.
- 4.4.9 In order to ensure there is no detrimental impact on the water quality within the Hall Beck and downstream reservoirs, filter drains, catch pits, petrol interceptors and dry/wet basins have been proposed following the findings and recommendations of a Highways Agency Water Risk Assessment Tool (HAWRAT) assessment undertaken by WSP. The proposed water quality treatment train and mitigation measures proposed also comply with the requirements of the Local Lead Flood Authority (LLFA) and Yorkshire Water.
- 4.4.10 Pentock valves have been proposed at key locations to ensure a complete shutdown of the drainage system in case of a pollution incident in the proposed highway.
- 4.4.11 The proposed highway drainage headwalls have been designed so that they do not cause erosion or scour of the receiving watercourses.
- 4.4.12 Existing Drainage (where present) at the tie-in / junctions of the highway at the western point of the A59 Kex Gill Road, North Moor Road and Hall Lane will be improved as part of the new scheme to reduce the risk of surface water flooding at those road junctions.

4.4.13 The proposed highway drainage and mitigation measures have provided adequate allowances for residual risks, exceedance flows and runoff in excess of the design criteria in consideration of the requirements of the Design Manual for Roads and Bridges (DMRB) and National Planning Policy Framework (NPPF).

4.4.14 The maintenance and operation of drainage assets has been considered during the drainage design strategy and detail design. The drainage assets are located within areas to ensure access for maintenance so that they may operate as intended for design.

4.5 **Public Transport**

4.5.1 The Scheme will be delivered to a standard capable of accommodating transport modes such as buses though is not itself intended as a primary bus route. The Scheme will replace the existing A59 alignment and therefore existing modes of public transport will remain unchanged.

4.6 **Provision for Pedestrians, Cyclists & Equestrians (Excluding Motor Vehicles)**

4.6.1 Once the Scheme is completed approximately 1.5km of new bridleway/ PRow route will be provided. The construction type and methods have been discussed with various key stakeholders, including the AONB and Natural England along with landowners and officers from within North Yorkshire County Council's countryside access team.

4.6.2 The grade separated crossings which are proposed have been developed to provide a high quality and safe crossing of the Scheme for pedestrians, cyclists and equestrians, maintain the existing public rights of way and to help enhance connectivity across the Kex Gill and Blubberhouses area. These include:

- New Westerly Underpass: A 5m wide shared pedestrian, cycle, equestrian, landowner access underpass;
- New Easterly Underpass: A 5m wide shared pedestrian, cycle, equestrian, landowner access underpass.

4.6.3 In addition to grade separated crossing opportunities, at-grade crossings have also been proposed across the A59 adjacent to the Fewston Reservoir car park area to link with the Six Dales trail existing network. Safe crossing facilities for pedestrians and equestrians are also proposed at the junction of Church Hill and the A59.

4.7 **Street Lighting**

4.7.1 As the Scheme extent lies within the Nidderdale AONB careful consideration has been given with regard to light pollution and the requirements for street lighting. As a result of the technical and environmental review, no street lighting will be provided within the Scheme extents.

4.8 **Road Signs and Markings**

4.8.1 The majority of the road signing along the Scheme will be advanced direction signs. The size of these signs will vary, but they are not likely to exceed 3.5m wide and 3.9m high. The locations for signs comply with current standards but sign clutter has been minimised wherever possible. Localised wooden signing of the public rights of way will be installed similar to that depicting existing features in the area such as the Six Dales trail.

4.8.2 Road Markings will be in accordance with the Traffic Signs, Regulations and General Directions (TSRGD) 2007.

4.9 **Walls, Gates and Fencing**

4.9.1 The Order Land covers significant areas of existing farmland and natural green scape. There are a number of different types of existing walls, gates and fences which are all within the Nidderdale AONB. As a result, a number of walls, gates and fences are proposed which are in keeping with the existing features.

4.9.2 The Council has engaged with landowners to identify where specific changes or reinstatements of walls, boundaries and fences may be required as a result of the scheme.

4.9.3 Following landowner and key stakeholder discussions, the majority of the proposed walls, gates and fences will comprise of the following:

- Dry stone walls of varying heights and widths separating the proposed bridleways/PRoW's from landowners' land;
- Timber post and rail/wire stock proof fencing or varying heights separating the proposed bridleways/PRoW's and A59 from landowners' land;
- Dry stone wall type features integrated with the structure to prevent fall hazards;
- Re-use or new metal/wooden hinged swing gates for access to existing farmlands;
- Galvanised vehicle restraint system between the A59 and infrastructure features.

4.10 **Statutory Undertakers' Equipment**

4.10.1 To construct the Scheme, the diversion and/or relocation of statutory undertakers' equipment will be required. These diversions will take place within the land required for the Scheme. Existing British Telecommunications equipment will be removed and relocated to a new proposed service trench that will predominantly be situated to the southern side of the proposed road alignment. Communication equipment owned by Comex 2000 will also be diverted to this service trench. Yorkshire Water apparatus alongside the existing road alignment will by enlarge be left in-situ. Diversions will be implemented by arrangements with the relevant statutory undertakers and easements or wayleaves will be granted for any statutory services that get diverted if not retained within the adopted highway.

4.11 **Accommodation Works and Temporary Land Use**

4.11.1 Accommodation works will include the provision of two water troughs on farmed land adjacent to west of Hall Lane. Isolated parcels of land will likely be used to store plant and materials during the construction stage. Where necessary, these parcels will be formally negotiated with the relevant parties by the appointed Principal Contractor.

4.12 **Landscape**

4.12.1 The Scheme has been designed to ensure the impact upon the existing landscape is as mitigated as much as possible. Various measures are included as part of the Scheme to address this. These include the sympathetic location of the road alignment making best use of existing contours and gradients of the landscape to ensure the new road looks as historical as possible and not too artificially elevated. Careful consideration of placing the road in cut or fill has been considered. Where the road could be visible from set and agreed viewpoints the road has been shielded from view

by natural or man-made cut or fill. Sympathetically located trees and low rise shrubs, in-keeping with natural species, will also be used to shield the road out of view.

- 4.12.2 Man-made features such as the proposed two underpasses and retaining wall will have facades in-keeping with the natural gritstone which is present in the area. This will give a feel of these features being as in-keeping with the natural environment as possible.

4.13 **Environment**

- 4.13.1 The Scheme lies within close proximity to a number of environmental designations. Careful consideration of the environment has been important to ensure the environmental impacts of the proposed road alignment are mitigated as much as possible. The road alignment has been carefully selected following the review of the potential impacts it may have. Extensive surveys of the flora and fauna has taken place and engagement from an early stage with all responsible and local environmental bodies has been carried out throughout the life of the Scheme development.
- 4.13.2 The Habitat Regulations Assessment has indicated this scheme will have a de-minimis impact upon the environment. Various features will be installed to encourage greater uptake of wildlife. This includes the proposed installation of Barn Owl boxes and towers and Bat poles. The road alignment has also taken into consideration the potential impact upon low flying birds and wildlife and the potential for wildlife to stray upon the new road.

5. **COMMON LAND**

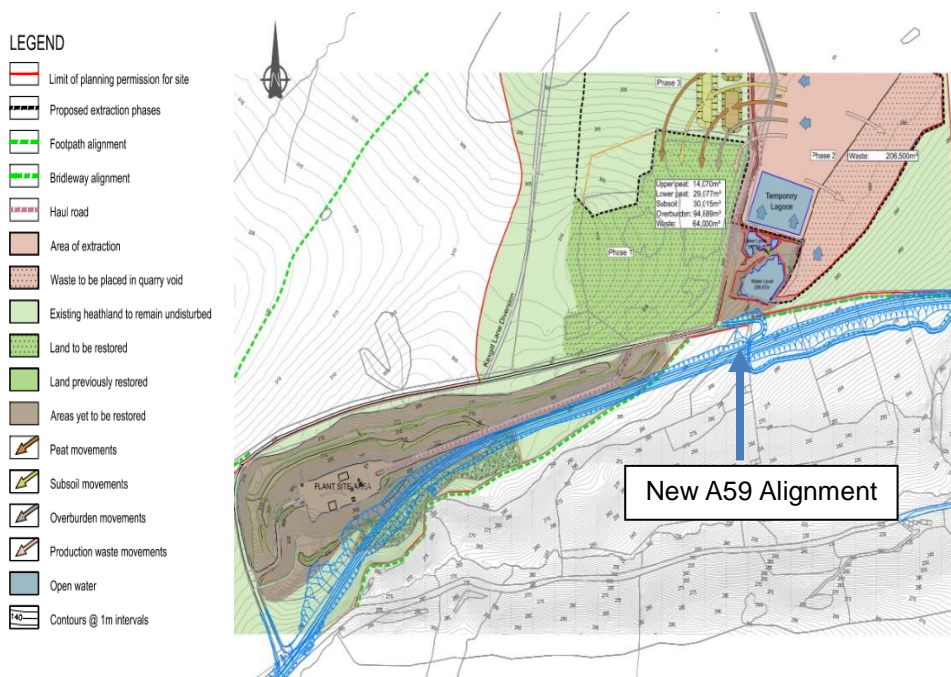
- 5.1 A total of 9.73 hectares of Common Land (Registered No.CL481) and subject to grazing rights, is affected by the Scheme and included in the Compulsory Purchase Order and consists of Moorland, Quarry Land and Highway Land (under the existing A59 and North Moor Road) and is situated at the western end of the Scheme at Blubberhouses Moor. Certain areas proposed to be used in connection with the construction of the Scheme will be able to be handed back to the landowner.
- 5.2 The Exchange Land to replace the Common Land taken is of equivalent size (9.74 hectares) and is sited further eastwards at an area known as Cats Cragg. This area is all moorland and less steep in gradient than the Common Land taken and will be accessed from North Moor Road via the proposed new restricted byway. The Exchange Land is less wooded and is more suitable for grazing stock. This Exchange Land is more than equally advantageous to the users and is greater in actual area as some of the registered Common Land is not accessible. The existing grazing rights will be transferred to the Exchange Land.
- 5.3 The Exchange Land proposed has been suggested by the landowner resulting in less overall disturbance when compared with other considered alternatives.
- 5.4 An application under section 19 of the Acquisition of Land Act 1981 is to be made to the Planning Inspectorate in respect of the Common Land and Exchange Land at the same time as the submission for confirmation of the Compulsory Purchase Order is made to the National Casework Team of the Department for Transport.

6. **BLUBBERHOUSES QUARRY - CONSULTATIONS AND POTENTIAL IMPACTS**

- 6.1 As set out in Section 4, above, the OAR included an assessment of route options to the north and south of the existing A59 around Kex Gill.
- 6.2 The OAR concluded that the only viable options would be to the north of the A59. This meant that all practical route options would inevitably have some degree impact, both direct and indirect, on Blubberhouses Quarry and the wider silica mineral resource.

Consultations and Potential Impacts

- 6.3 Once a preferred route for the new A59 at Kex Gill was adopted NYCC held discussions with Hanson UK, the previous operators of Blubberhouses Quarry, to ensure that the final scheme design did not needlessly impact upon the potential future operation of the Quarry.
- 6.4 As a result of these discussion the route of the new alignment was moved as far south as possible so as to avoid the Quarry's processing plant site and the mineral conveyor belt route from this area to the silica sand fields. The relationship between the new A59 and Blubberhouses Quarry is illustrated on the plan below.



- 6.5 The impact of the new alignment of the A59 will be on land on the periphery of the quarry, there is no evidence that this will result in the direct sterilisation of any of the silica reserve. It is estimated that the new alignment of Kex Gill will impact on around 0.14% of the total land holding for the quarry.
- 6.6 In operational terms , the junction with North Moor Road and the new alignment was upgraded to improve safety and access for Heavy Goods Vehicles that would require access/egress from the quarry's processing plant when silica sand extraction was restarted. There will also be a degree of benefit to the operation of Blubberhouses Quarry from the new road that will avoid unscheduled closures of the A59 in future, and the disturbance to employees getting to and from work and to delivery vehicles leaving the site that these unscheduled closures would have on the operation of the quarry.
- 6.7 It is therefore considered that the proposed road alignment is compatible with the potential future operation of the Blubberhouses Quarry, and that some parts of the realignment of the A59 will actually improve accessibility, road safety and mitigate the risk of road closures due to landslips.

Impact on the wider Silica Resource

- 6.8 The Scheme will bisect the southernmost extent an identified Silica Sand resource identified in the suite of documents that comprise the evidence base for the emerging North Yorkshire Joint Minerals and Waste Local Plan.¹
- 6.9 It is calculated that the Scheme will directly sterilise around 1.8% of the overall mineral reserve, an impact that is characterised as a '*negligible impact*' in the Environmental Statement that accompanied the Kex Gill planning application. The overall compliance of the Scheme with planning policy is considered in Part 8 of this Statement of Reasons.
- 6.10 Policy S01 and S02 of the emerging Minerals and Waste Local Plan identify the silica reserve and impose a safeguarding policy that seeks to prevent the '*needless*' sterilisation of the mineral resource.

Balancing Exercise

- 6.11 It is considered that some form of realignment of the A59 is essential, as there is no other means of addressing the issue of landslides around Kex Gill.
- 6.12 The OAR identified that the best available route for the realignment of the A59 are all located to the north of the existing carriageway. It is acknowledged that this means that all potential route would inevitably involve some sterilisation on the unconsented silica resource.
- 6.13 Given the need for the A59 to be realigned to the north of the existing carriageway it is not considered that there is an alternate route available that would reduce the impact on the Silica resource.
- 6.14 Route options 17 and 18 as well as variations to options 9 and 10 that are identified in Part 4 of this Statement of Reasons would all have similar impact on the wider identified mineral resource.
- 6.15 A Brown Corridor, located closer to the existing alignment of the A59 that would result in less sterilisation of the unconsented silica resource, was considered as part of the OAR. However Page 8 of the OAR confirms that this option was discounted as it was considered to be:

'failing to substantively meet many of the scheme objectives, primarily as it is located in an area of continued landslip risk and therefore offers little in the way of increased resilience, reliability, connectivity or safety.'

- 6.16 It is considered that given the overriding need to realign the A59 in this location, the lack of preferable alternate routes, and the fact that the Scheme would only directly sterilise a relatively low percentage of the overall reserves then the impact of the Scheme is acceptable. This is also the view of NYCC as the Local Planning Authority, as set out in the Planning Committee Report.

7. ENGAGEMENT WITH OTHER LANDOWNERS, STAKEHOLDERS AND THE PUBLIC

- 7.1 The Scheme is crucial for ensuring the resilience of the east-west connectivity route between Harrogate and Skipton in the district of Craven. In addition to this, the Scheme is required to ensure North Yorkshire County Council's obligations for health

¹

https://www.northyorks.gov.uk/sites/default/files/fileroot/Planning%20and%20development/Minerals%20and%20waste%20planning/Examination%20Library/Evidence%20Base/Safeguarding/SEB01/SEB01%204.%20Appendix_1_-_minerals_safeguarding_area_maps_A9_-_A12.pdf

and safety of all road users along the A59 at Blubberhouses are followed. Without engineering intervention this obligation cannot be fully achieved in the long term.

- 7.2 The public engagement events undertaken are detailed in the table below. The engagement sessions were publicised in advance of the events, using social media, roadside information boards and letter drops, in the immediate locality of the Scheme and areas where it would be potentially visible. The preferred alignment for the A59 diversion was made public at the 30th June 2018 event and approved by NYCC's Executive on 24th July 2018. In total, for all of the engagement events staged, just over 90% of all respondents were in favour of the Scheme.

Landowners

- 7.3 Development of the Scheme will require the purchase of land which is in multiple ownership. Agreement by negotiation has been progressed wherever possible and early engagement has been carried out with key landowners. However, in order to secure all lands within an appropriate timescale for the project, the making of a compulsory order is seen as necessary and proportionate in the circumstances. It would not be appropriate to wait for negotiations to stall or breakdown before commencing the process as valuable time would be lost.
- 7.4 The main landowners/tenants affected by the Scheme have been liaised with closely to ensure affected lands remain as functional and operational as possible. Freehold owners, lessees and occupiers who are likely to be affected by the Orders have also been invited to enter into discussions with the Council with a view to agreeing appropriate terms for acquisition of land and payment of compensation. These discussions continue.

Public and Stakeholder Engagement

Date	Location	Scheme Development Stage
21 st September 2017	Skipton Town Hall	Corridor Options
22 nd September 2017	St Peter's Church, Harrogate	Corridor Options
23 rd September 2017	Norwood Social Hall, Washburn	Corridor Options
30 th June 2018	Norwood Social Hall, Washburn	Preferred Alignment
1 st October 2019	Skipton Town Hall	Design of Preferred Alignment
2 nd October 2019	Humberstone Bank Farm, Harrogate	Design of Preferred Alignment
3 rd October 2019	The Cairn Hotel, Harrogate	Design of Preferred Alignment

- 7.5 Key Stakeholders have been consulted on the Scheme with their comments being considered in preparation of the Scheme. Stakeholders include:

- North Yorkshire Technical Approval Departments

- Harrogate District Council
- Local Parish Councils
- North Yorkshire Police
- Craven District Council
- Yorkshire Dales National Park
- Natural England
- The Environment Agency
- Historic England
- Nidderdale Area of Outstanding Natural Beauty
- Yorkshire Peat Partnership
- Public Rights of Way User Groups
- Landowner's Representatives

7.6 As a result of public and stakeholder engagement the following are examples of design changes that were made during the development of the Scheme:

- Alteration to the new alignment of the A59 so as not to impact upon the Blubberhouses Quarry's processing plant area and the mineral conveyor belt route from this area to the silica sand fields;
- The junction with North Moor Road and the new alignment was upgraded to improve safety and access for operational vehicles that would require access/egress from the quarry's processing plant when silica sand extraction was restarted;
- A re-alignment of Church Hill to improve driver safety by reducing the gradient to the A59 and allowing safer manoeuvring to/from Fewstone Reservoir car park;
- Safer pedestrian access across the A59 between the Fewston Reservoir car park and the Six Dales Trail;
- Realignment of Hall Lane 160m west of its existing location and creation of a staggered ghost island with a dedicated left and right turn areas;
- Additional provision of 1,526m of Public Rights of Way;
- Installation of underpasses to improve and support the existing Public Rights of Way networks;
- Extensive ecological surveys (two-year period) to mitigate impact of new highway;
- Tender assessment team to include Natural England to ensure contractor's working methods comply with legislation and protect the environment.

- 7.7 There was a comprehensive communication and engagement plan to ensure all views and stakeholders were fully inclusive within the development of all proposals. This captured all feedback and support gained through proactive engagement activities with all feedback being used to help inform the Schemes development. Feedback was also used to help inform the development of the tender documents. Recommendations to have Natural England as a key contributor and assessor of the final tender documents was made to ensure all environmental impacts and construction strategies were appropriate. By actively engaging and taking on board comments from Nidderdale AONB, Harrogate District Council and North Yorkshire County Council the Scheme has managed to address biodiversity concerns, visual impacts, considerations of ensuring resilience in accordance with the Harrogate Economic Growth Strategy and North Yorkshire County Council's Local Transport Plan. The above stakeholders remain supportive of the proposals for the Scheme.
- 7.8 Overall the level of support for the road realignment Scheme has been high. Acceptance of the long-standing resilience issues is widely given since the disruption of landslips and full or partial road closures has a wide impact considering the nature of this key east to west connectivity route. Environmental bodies such as Natural England, the Environment Agency, Yorkshire Dales National Park and Nidderdale AONB accept the requirement for the new road whilst maintaining that environmental considerations and mitigations remain integral to the final alignment design. Societies such as the British Horse Society and Ramblers Association have been involved in the design and alignment of new proposed bridleways/public rights of way to ensure suitability for all potential users. Close working arrangements have been forged with these key stakeholders to ensure concerns are addressed and that impacts are mitigated. A total of three workshops were held as follows:

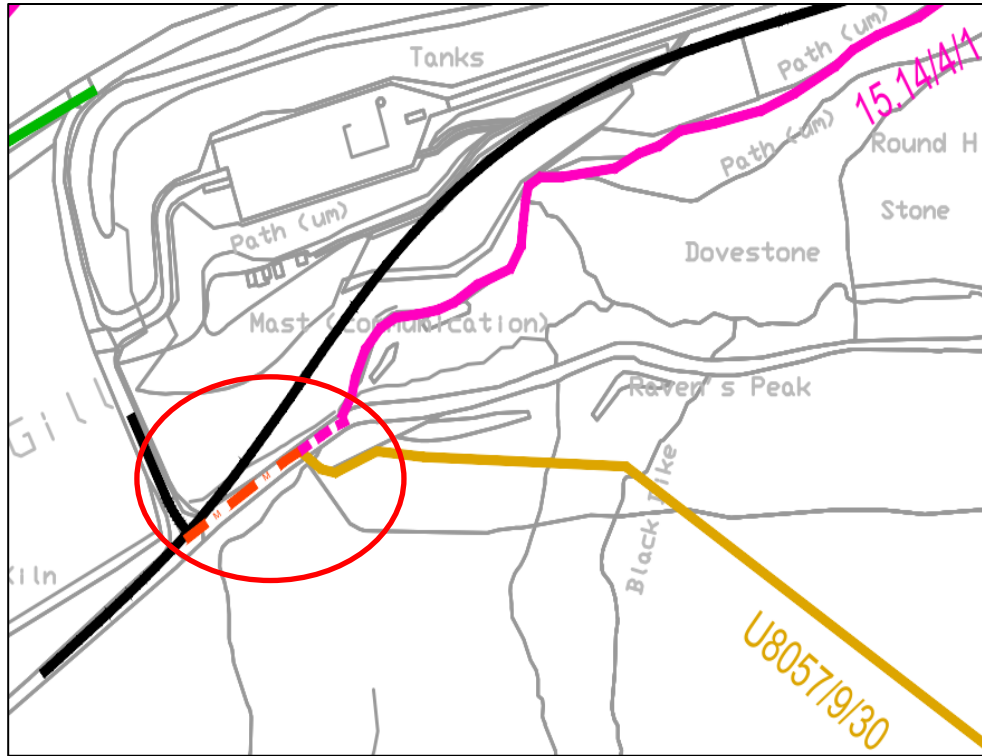
Date	Location	Scheme Development Stage
28 th November 2018	Cairns Hotel, Harrogate	Preferred Alignment
19 th February 2019	Cairns Hotel, Harrogate	Design of Preferred Alignment
26 th September 2019	Cairns Hotel, Harrogate	Detailed Design of Preferred Alignment

- 7.9 The Trail Riders Fellowship (TRF) has also been contacted in connection with the proposals. Recent engagement with TRF central office has resulted in discussions relating to two aspects of the new public rights of way network as follows:

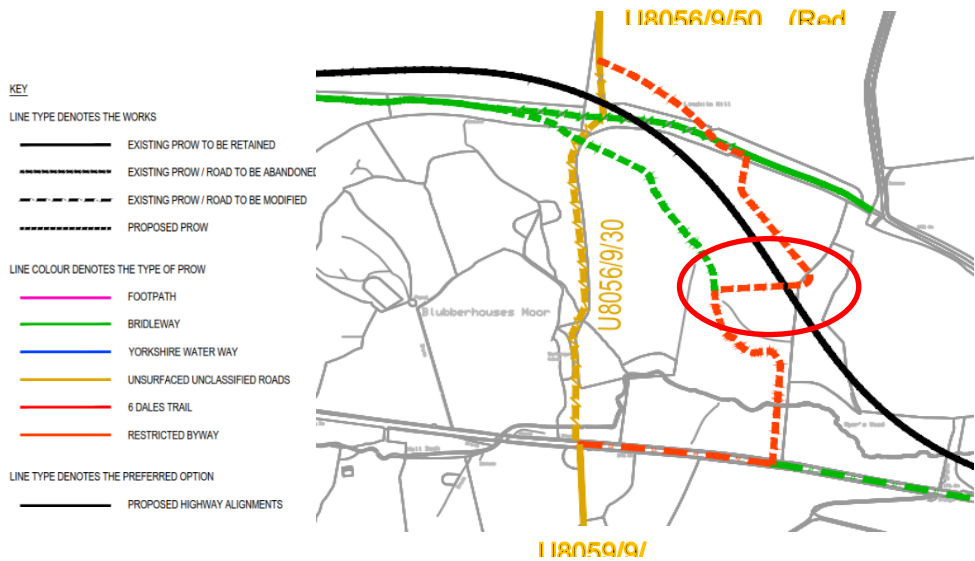
- 7.9.1 At the western-most extent of the Proposed Scheme, the alignment of the A59 passes north of western end of PRoW Footpath Ref: 15.14/4/1. At this location, in the vicinity of the junction of the A59 and North Moor Road, a new section of restricted byway is proposed, along the route of the existing A59 to enable connection to unsurfaced unclassified road (UUR) Ref: U8057/9/30, to the south of the existing A59. From the east end of this new restricted byway, a new short section of footpath is also

proposed, to enable connection to Footpath Ref: 15.14/4/1 (see diagram below).

7.9.2 The eastern underpass will be designated as a restricted byway and will connect UUR Ref: U8056/9/50 (Red Gate) in the north to UUR Ref: U8059/9/50 in the south. The existing UUR Ref: U8056/9/30 will be



abandoned.



7.10 The TRF proposes that the sections to be designated as restricted byway should be designated as unsurfaced unclassified roads so that motor vehicles can use them. They consider that there is evidence to support their view and have indicated that once

Covid restrictions are lifted they intend to obtain and submit further evidence on this point in December 2019 they have also requested further time to submit this information prior to progression of the SRO. To date no further information has been received by NYCC.

- 7.11 NYCC has considered the point raised by the TRF that these routes have vehicular rights and has engaged an independent consultant specialising in public rights of way and highway matters to consider this issue. The consultant has prepared a report, but has experienced some limitations in doing so as a result of the Covid restrictions. That said, he has considered some of the historical evidence suggested by the TRF and conducted his own research. The conclusion reached by the consultant is that although the routes are on the List of Streets this offers no guarantee over the existence of public vehicular rights and that other available evidence is not supportive of the existence of public rights for mechanically propelled vehicles.
- 7.12 Taking in account the conclusions of the consultant NYCC is going to continue to pursue the designations of restricted byway in the SRO, will continue to engage with TRF and consider any further information they provide, but as NYCC now have planning consent and a funding decision there is an imperative in proceeding with the formal CPO and SRO processes at the earliest opportunity. Local Councillors at both County and District level are supportive of the Scheme. Support has also been received from Andrew Jones MP and Julian Smith MP.
- 7.13 NYCC Countryside Services Teams has also produced an Annex for the new public rights of way providing descriptions of new sections of public rights of way as well as details on widths and surfacing.

8. PLANNING POSITION IN RELATION TO THE SCHEME

- 8.1 A full planning application for the Scheme was submitted to North Yorkshire County Council, the relevant local planning authority, on 28th October 2019. The application was validated on 9th December 2019.
- 8.2 The application was considered at a sitting of NYCC's Planning and Regulatory Functions Committee that took place on 12th January 2021. The Committee unanimously resolved to approve the application, subject to the completion of a section 111 agreement and the Secretary of State deciding not to call the application in.
- 8.3 In setting out the position on planning reference is made to the officer report to the Planning and Regulatory Functions Committee 12th January 2021 and the responses of statutory consultees submitted to NYCC as part of the planning application process..
- 8.4 The Town and County Planning (EIA) Regulations 2017 implement the requirements of the Directive 2014/52/EU and require that prior to consent being granted for certain types of development an Environmental Impact Assessment (EIA) must be undertaken. The EIA Regulations 2017 set out the types of development which must always be subject to an EIA (known as 'Schedule 1 development') as well as other developments which may require an assessment if they give rise to likely significant effects ('Schedule 2 development'). The Scheme comprises the construction of roads where the area of works exceeds 1 hectare, and as such meets the definition of a Schedule 2 infrastructure project. As the Scheme is considered likely to give rise to significant effects and EIA was produced to accompany the planning application.
- 8.5 In accordance with Regulation 15 of the EIA Regulations 2017, an EIA Scoping Report to confirm the issues and topics that should be covered in the EIA was submitted to North Yorkshire County Council on the 11th January 2019 together with a formal request for an EIA Scoping Opinion. A formal Scoping Opinion was subsequently received from North Yorkshire County Council on the 15th February 2019. An

Environmental Statement (ES) consistent with the adopted Scoping Opinion was submitted with the planning application in October 2019, parts of which were subsequently updated in June 2020.

- 8.6 The contents and conclusions of this ES are also used to identify the environmental impacts of the Scheme and assess them against the policies of the development plan. Where appropriate the comments of consultees on the planning application are also considered in this Section.

Basis for Determining the Planning Application

- 8.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

This section therefore sets out the development plan policies for the Scheme and identifies the material considerations that are relevant to the determination of planning application.

The Development Plan

- 8.8 The development plan relevant to the current planning application comprises the following documents:

- Harrogate District Local Plan 2014-2035 (HDLP) which was adopted on 4 March 2020;
- The 'Saved' Policies of the North Yorkshire County Council Mineral Local Plan (Adopted 2007); and
- The North Yorkshire Waste Local Plan (Adopted 2006).

Harrogate District Local Plan 2014 – 2035

- 8.9 The HDLP was at an advanced stage of the examination process when the planning application was submitted in October 2019 and was subsequently adopted by Harrogate District Council in March 2020. As is it the development plan at the time that the decision is made that is relevant to the determination of the application, it is the policies of the now adopted HDLP that are considered here.

- 8.10 The HDLP sets out the spatial vision and development strategy for Harrogate and comprises the development plan for planning applications within the district². The key policies of HDLP that are considered relevant to the determination of the planning application are set out below.

- 8.11 Of site-specific relevance to the current planning application, part of the Scheme runs through Nidderdale Area of Outstanding Natural Beauty (AONB), whilst the remainder of the Scheme is adjacent to the AONB. Policy GS6 '*Nidderdale Area of Outstanding Natural Beauty*' is therefore of direct, site specific relevance to the application. This policy states that

² https://www.harrogate.gov.uk/info/20101/planning_policy_and_guidance/548/current_planning_policies

'The natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty will be conserved and enhanced. Proposals will only be supported where they:

A. Do not detract from the natural beauty and special qualities of the AONB and its setting;

B. Contribute to the delivery of the Nidderdale AONB Management Plan objectives;

C. Support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area.

Applications for major development in the AONB will be refused unless justified by exceptional circumstances. The council will determine such applications in accordance with the approach set out in national planning policy.'

- 8.12 The western extent of the site is within land identified as being within the North Pennines Special Protection Area (SPA) and the North Pennines Special Area of Conservation (SAC), as well as the West Nidderdale, Barden and Blubberhouses Moors Site of Special Scientific Interest (SSSI).
- 8.13 Policy GS5 of the HDLP (*'Supporting the District's Economy'*) provides policy support for development proposals provided that they demonstrate sustainable economic growth contributing to supporting a range of matters and locations including *'supporting the rural and agricultural economy and its diversification'*.
- 8.14 Policy NE3 (*'Protecting the Natural Environment'*) sets out the criteria for determining applications that impact on SPAs, SACs and SSSIs and states that proposal which protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported.
- 8.15 Chapter 2 of the HDLP sets out the Aims and Objectives of the plan. Objective 4 (*'Infrastructure and Connectivity'*) confirms that one of the aims of the plan is to: *'Facilitate the delivery of the infrastructure necessary to support a strong local economy, reduce the impacts of transport on the environment and communities, and enable reliable journeys between key centres regionally, nationally and internationally.'* One of the Key Mechanisms for delivering this is *'enabling greater opportunities to travel on foot and by bike'* and *'supporting improvements to the quality, frequency and accessibility of public transport'*.
- 8.16 The Key Diagram of the HDLP identifies the A59 as one of the main routes across the district and provides key access to Skipton and East Lancashire. The Growth Strategy to 2035 identifies that Harrogate, Knaresborough and Ripon are the district's main urban areas and over the plan period will accommodate most of the district's growth.
- 8.17 Policy TI (*'Sustainable Transport'*) provides for working in partnership with other authorities and other parties to promote a sustainable and improved transport system and will improve road connections within the district and to the wider area and improve accessibility in rural areas. In the justification text for this policy at paragraph 6.4 it details how the County Council's Strategic Transport Prospectus (2015) sets out three main strategic priorities, one of which is improving east west connectivity.
- 8.18 Policy TI2 (*'Protection of Transport Sites and Routes'*) sets out that routes which have the potential to contribute towards the provision of a sustainable and improved transport system will be safeguarded where there is a reasonable prospect of them accommodating new transport infrastructure before 2035. It will apply when a scheme is included within the investment strategies or plans produced by the County Council and for which there is a preferred route or site.

- 8.19 Policy TI4 (*'Delivery of New Infrastructure'*) confirms that proposals involving the delivery of new or improved infrastructure will be supported provided it can be demonstrated that they are necessary to rectify existing evidenced deficiencies in infrastructure and to cause minimal disruption to existing infrastructure.
- 8.20 Policy CC1 (*'Flood Risk and Sustainable Drainage'*) confirms that proposals will not be permitted where they have an adverse effect on watercourses or increase the risk of flooding elsewhere. Policy CC2 (*'Rivers'*) requires all that new development should protect and improve the quality of water bodies and their ecological.
- 8.21 Policy CC2 seeks to protect and improve the quality of water bodies and their ecological systems. The policy also requires that minimum 'buffers' or stand-off distances are provided from watercourses, which is relevant to Hall Beck and the River Washburn.
- 8.22 Policy HP2 (*'Heritage Assets'*) requires that proposals should protect and enhance where appropriate those elements that contribute to the district's heritage assets.
- 8.23 Policy HP3 (*'Local Distinctiveness'*) sets out that: *'development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.'* The need to take account of the contribution of the natural environment, including biodiversity, landscape, and green and blue infrastructure is identified in Criteria C.
- 8.24 Policy HP4 (*'Protecting Amenity'*) seeks to avoid significant adverse impacts upon residential amenity, pointing specifically to impacts upon the amenity of residents in regards to overlooking and loss of privacy, overbearing development and loss of light, and matters such as vibration, fumes, odour, noise and other disturbance as well as advising that cumulative impacts should also be considered.
- 8.25 Policy HP5 (*'Public Rights of Way'*) confirms that proposals for development that would affect existing public rights of way will be permitted only where it can be demonstrated that: the routes and the recreational and amenity value of rights of way will be protected, or satisfactory diverted routes and that in all cases, opportunities for enhancement through the addition of new links to the existing network and the provision of improved facilities have been fully explored.
- 8.26 Policy NE1 (*'Air Quality'*) requires applicants to submit an air quality assessment and / or a dust assessment report and identify mitigation measures to ensure no significant adverse effects where a development may affect any AQMA, create emissions of dust during demolition, earth moving and construction, or through site operations; impact on the air quality of a SAC, SPA or SSSI; or Create significant amounts of traffic, as determined through a transport assessment and/or air quality modelling specific to the proposal.
- 8.27 Policy NE2 (*'Water Quality'*) seeks to avoid impacts on surface and groundwater systems, appropriate mitigation measures should be incorporated.
- 8.28 Policy NE3 (*'Protecting the Natural Environment'*) confirms that proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported.
- 8.29 Policy NE4: (*'Landscape Character'*) states that proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported.
- 8.30 Policy NE5 (*'Green and Blue Infrastructure'*) requires development to protect and enhance the social, environmental and economic benefits of existing green

infrastructure features and/or incorporate new green infrastructure features within their design. Part B of this policy requires opportunities for the enhancement or creation of links between green infrastructure features to be capitalised upon and, where located within such corridors, enhance functionality and connectedness (Part D); in any event, these should all be to a 'high standard'.

- 8.31 Policy NE7 (*'Trees and Woodland'*) sets out that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.
- 8.32 Policy NE8: (*'Protection of Agricultural Land'*) seeks to protect the best and most versatile agricultural land (grades 1, 2 and 3a) confirming that it will be protected from development not associated with agriculture or forestry *'except where it can be demonstrated to be necessary'*.
- 8.33 Policy NE9: (*'Unstable and Contaminated Land'*) requires that where development is proposed on potentially unstable land the developer will need to demonstrate that appropriate measures can be put in place to ensure that the development can be safely undertaken and that there are no significant risks of instability over the lifetime of the development.

North Yorkshire County Council Minerals and Waste Local Plans

- 8.34 The development plan also includes the 'saved' policies of the North Yorkshire Minerals Local Plan that was adopted in 1997. This document continues to form part of the statutory development plan and is still relevant for development control decisions³. The proposal map for the Minerals plan confirms that the plan does not have any policies of site-specific relevance to the proposed Scheme and it is considered that this plan is of only limited relevance to the determination of the current planning application.
- 8.35 The North Yorkshire County Council Waste Local Plan was adopted in 2007. Whilst the 'saved' policies of the Waste Local Plan continue to form part of the statutory development plan, it is not considered that there are any policies of direct relevance to the proposed Scheme.
- 8.36 North Yorkshire County Council is currently in the process of working jointly with City of York Council and the North York Moors National Park Authority to produce a joint minerals and waste local plan that will replace the existing Waste and Mineral Local Plans. These emerging policies are a material consideration in the determination of the current planning application and are considered below.

Material Considerations

- 8.37 A material consideration is generally taken to be a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision⁴. Whilst there is no statutory definition of a material consideration, it can include the aims and objectives of national and regional transport and economic policies, as well as emerging planning policy.

Emerging Planning Policy

³ <https://www.northyorks.gov.uk/local-plan-minerals>

⁴ https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations

- 8.38 As set out above, North Yorkshire County Council is currently in the process of examination in relation to the Minerals and Waste Joint Plan ('the Joint Plan') which, when adopted, will form part of the statutory development plan. The joint authorities are currently finalising the Main Modifications table and supporting documents for the Joint Plan⁵ which will then require a further consultation on the proposed modifications. It is considered unlikely that it will be adopted before late 2020 at the earliest.
- 8.39 Given however the advanced stage of the Joint Plan in the examination process, and that the further sessions related to unconventional oil and gas and not mineral extraction, reasonable weight should be attached to this document. As such the relevant proposed policies are considered below.
- 8.40 Policy S01 ('Safeguarding Mineral Resources') identifies known mineral resources and establishes buffer zones that are intended to safeguard these resources from other forms of surface development in order to protect the resource for the future. The route of the Scheme runs through Mineral Safeguarding Areas (MSAs) that are being designated in relation to both silica sand and building stone in the emerging Joint Plan. Policies S01 and S02 of the emerging plan are therefore of site specific relevance to the application.
- 8.41 Paragraph 8.2 of the emerging local plan confirms the purpose of safeguarding areas, stating that their purpose *'is not to prevent other forms of development on or near to a safeguarded resource or infrastructure, but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration.'* The same paragraph notes that: *'This is a particularly important issue within those parts of the Plan area which are 'two-tier', with the majority of development decisions taken by the District or Borough Councils rather than the minerals and waste planning authority.'*
- 8.42 Policy S02 ('Development Proposed within Mineral Safeguarding Areas') sets out the circumstances in which planning permission for non-minerals development within MSAs will be granted, stating that it will be granted where: (inter alia:)
- i. It would not sterilise the mineral or prejudice future extraction; or*
- ii. The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral.'*
- 8.43 Policy M12 ('Continuity of Supply of Silica Sand') confirms that proposals for development of silica sand resources at Blubberhouses Quarry, which is in close proximity to the Scheme, including proposals to extend time to complete existing permitted development or proposals for lateral extensions or deepening, will be supported *'in principle'*, subject to compliance with the requirements for major development in the National Park and Nidderdale AONB, compliance with the Habitats Regulations and compliance with other relevant development management policies. The need for *'a very high standard of mitigation of any environmental impacts and high quality restoration, including protection of peat resources'* is also highlighted' is identified.
- 8.44 It should also be noted that Blubberhouses Quarry has also been identified through the examination process to be added to the Joint Plan as an allocated site. It is considered that the site could contribute over the Plan period to the supply of silica sand suitable for glass manufacture, which is a nationally scarce resource (Policy M12). No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environment which indicate any significant conflict with other relevant policies in the Plan. Although there are

⁵ <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-minerals-and-waste/minerals-and-waste-joint-plan/minerals-and-waste-joint-plan-examination>

development requirements which have been identified through the Site Assessment process, such as Appropriate Assessment, which would need to form part of the development proposals for any subsequent planning application, no overriding constraints have been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an appropriate manner.

- 8.45 The allocation on Blubberhouses Quarry will be subject to the consultation on Main Modifications.
- 8.46 Policy M15 (*'Continuity of Supply of Building Stone'*) sets out the circumstances in which applications for permission will be permitted, seeking to help secure an adequate supply of building stone.

National Planning Policy Framework

- 8.47 The most recent National Planning Policy Framework (NPPF) was published in July 2018 and amended in February 2019, replacing previous government policy. The NPPF is expressly identified as a material consideration in planning decisions⁶ and aims to contribute to the achievement of sustainable development. A presumption in favour of sustainable development is confirmed to be central to the policy approach in the Framework.
- 8.48 Paragraph 80 of the NPPF highlights the Government's commitment to securing economic growth, stipulating that planning policies should help create the conditions in which businesses can invest and expand. The NPPF also recognises the role that transport policies can play in promoting sustainable development.
- 8.49 The NPPF seeks to minimise impacts and achieve net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.50 Paragraph 172 of the NPPF sets out the Government's approach towards development within AONBs, and is therefore of particular relevance to the determination of the planning. Paragraph 172 requires that *'great weight'* be given to conserving and enhancing landscape and scenic beauty within AONBs and confirms that applications for major development within an AONBs, such as the proposed Scheme, should only be granted in *'exceptional circumstances, and where it can be demonstrated that the development is in the public interest'*.
- 8.51 Consideration of such applications should include an assessment of: the need for the scheme; that the cost and scope of the scheme means that it can't be accommodated elsewhere; and that any detrimental effect on the environment and landscape opportunities can be moderated.
- 8.52 This approach to assessing major applications within an AONB is specifically endorsed in the wording of HDLP Policy GS6, which also includes the test of *'exceptional circumstances'* for justifying major new development in AONBs.
- 8.53 Paragraph 204 of the NPPF states that planning policies should: *'safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)'*.

⁶ NPPF, Paragraph 2.

Nidderdale Area of Outstanding Natural Beauty Management Plan 2019-2024

- 8.54 The Nidderdale AONB Management was published in 2019. The document outlines a five-year framework for action to protect the special qualities of the AONB. Key areas addressed in its strategy over the next five years include combating climate change, supporting the farming industry and the rural economy, and promoting sustainable development. The plan seeks to protect the landscape including priority wildlife habitats and restore damaged or degraded features.

Craven District Council Emerging Local Plan

- 8.55 Draft Policy SP1 'Meeting Housing Need' of the Craven District Emerging Local Plan sets out that in order to meet the housing needs of Craven, provision needs to be made for a minimum of 4,600 net additional dwellings across the plan area during the plan period (April 2012 to March 2032), with 50% of these are to be provided in Skipton. The A59 is identified as being a key east-west route in the area and although there is no specific mention of the proposed A59 Kex Gill Diversion Scheme.

Harrogate Borough Council Corporate Plan 2018-2024 (April 2016)

- 8.56 The plan is a strategic document that sets out a long-term vision for the Harrogate District along with aims, corporate priorities and long-term outcomes that the council wants to achieve. These priorities include:

- A strong local economy – making Harrogate district a place with resilient, diverse and expanding economy;
- A sustainable economy – making Harrogate district a place that protects the quality of their environment;
- Supporting communities – addressing the needs of housing in Harrogate district;
- Excellent public services – providing a value for money for the services within the area.

- 8.57 Improvements to the A59 at Kex Gill is in line with priorities highlighted within the Corporate Plan and in particular supporting 'a strong local economy' and 'sustainable economy'. It supports a strong local economy by improving the resilience of east west connectivity by addressing the potential for road closure brought about through landslip. It also contributes to a sustainable economy by eradicating the need to re-route traffic through neighbouring towns and villages when road closures are in place, thereby reducing the adverse environmental impacts and congestion through the towns and villages along the diversion route.

- 8.58 Additionally, given that there is a need for more housing within the Harrogate district, any new housing in the district would potentially increase the volume of traffic on the A59 increasing the risk of vehicles being caught in landslips.

Craven District Council (CDC) Council Plan 2019-2020 (March 2019)

- 8.59 CDC's plan explains the Council's future priorities for improving the services it offers Craven's communities and their residents for the forthcoming financial year. One of the key objectives of the plan is to facilitate economic growth across Craven. In order to achieve this the plan states a need to '*improve the quality and capacity of the transport infrastructure serving the District*'. This includes seeking action for improvements to the main roads serving the district including the A59.

Transport Plans.

- 8.60 The North Yorkshire County Council Local Transport Plan sets out NYCC's transport vision over the plan period 2016 to 2045. The plan sets out the plans and strategies for maintaining and improving the transport connections within North Yorkshire with the overarching objectives of promoting economic growth, road safety, access to services, managing environment and climate change and promoting healthier travel.
- 8.61 The five overarching objectives are as follows:
- Economic Growth - setting out how transport will contribute towards local economic growth;
 - Road Safety - setting out how transport will become safer;
 - Access to Services – how transport will contribute towards improving access to essential services;
 - Environment and Climate Change - sets out how impacts of transport on the environment will be reduced;
 - Healthier Travel - how transport will contribute towards improving health.
- 8.62 **North Yorkshire County Council: Strategic Transport Prospectus (2015)**. The prospectus proposes to address challenges on the A59 through three desired interventions, the cornerstone of which is the provision of three additional climbing lanes between Harrogate and Skipton including the realignment at Kex Gill in order to address the major landslide risk.
- 8.63 **York, North Yorkshire & East Riding Local Enterprise Partnership - Strategic Economic Plan (SEP) (January 2014)**. The plan is required for both EU and Growth Deal funding purposes and sets out the key economic issues, opportunities and priorities for the area. The plan was adopted in January 2014 and an update to the plan was made in 2016. A key priority of the SEP 2016 is '*A Well Connected Economy*'. In order to achieve this the plan states that the focus for 2016 to 2021 should be to 'improve East West connectivity, particularly between towns and their neighbouring cities' and to '*enhance the resilience of the transport network, particularly to flooding*'.

Assessment of Environmental Impacts

- 8.64 This section of the Statement identifies the environmental impacts that the Scheme will have, both during its construction and operational phases and assesses these impacts against the policies of the development plan. In producing conclusions of the ES have been used, as we all the responses of statutory consultees where relevant.

Air Quality

- 8.65 Construction - Mitigation measures have been identified to reduce the effect of dust and particulate matter from construction activities, including the earthworks and dust and dirt that can be spread by construction vehicles onto public highways. These measures will be implemented through the Construction Environmental Management Plan. With proper implementation of these measures, impacts of dust during construction are considered to be low and residual effects on air quality during the construction phase are considered to be not significant.
- 8.66 Operation - The transfer of traffic from the alignment of the existing A59 at Kex Gill to the Scheme north of this location is predicted to have a negligible effect on local air quality. The assessment has concluded that the effects of the operation of the Scheme on air quality will not be significant. As a result, no mitigation measures are required.

- 8.67 It is also considered that the Scheme will have a small beneficial impact on the Pool-in-Wharfedale AQMA, it will avoid the need to close the A59 which results in a diversion that increases the number of cars passing through it.
- 8.68 The Scheme is modelled to have a '*negligible*' impact Air Quality. This impact is consistent with the requirements of HDLP Policy NE1 that requires applicants to show that Schemes will have '*no significant adverse effects*' on sensitive areas for air quality such as AQMAs, SACs and SSSIs.
- 8.69 The impacts of the Scheme on Air Quality can be mitigated through an Air Quality Management Plan, and there were no objections from statutory consultees on the basis of the impacts of the Scheme on air quality. In assessing the impacts of the Scheme on Air Quality, the Committee Report concludes at Paragraph 7.112 that in relation to air quality: '*taking into account the assessments that have been undertaken, the measures put forward in mitigation and the controls that are capable of being imposed in the event of permission being granted, the proposed development is found, in this particular instance, to be compliant with HDLP Policy NE1.*'

Climate Change

- 8.70 Construction - The Scheme will result in an increase in greenhouse gas emissions when compared to it not being built. Using professional judgement, it is considered that with standard industry practices in place, the adverse effect of the Scheme on climate will not be significant. The assessment of the Scheme's vulnerability to climate change during its construction phase considered events such as extreme precipitation, snow and ice, extreme temperatures and strong winds. As part of the review, the impact of these events on the construction site compound, materials, plant, equipment and the workforce was undertaken. The assessment concluded that there would be no significant effects to the Scheme during construction from climate change effects on the basis of mitigation measures already embedded in the Scheme's design and standard industry practices being implemented.
- 8.71 Operation - The overall change in greenhouse gas emissions during operation of the Scheme is anticipated to be a slight increase in comparison as a result of predicted changes in traffic flow arising from population growth. Given the magnitude of the anticipated greenhouse gas emissions and using professional judgement, it is considered that the adverse effect of the Scheme on climate will not be significant. The assessment of the Scheme's vulnerability to climate change during operation focused on the same receptors assessed during its construction phase. No significant residual effects were identified, however given the uncertainties inherent in climate science and projections, a programme of monitoring extreme weather-related incidences will be maintained to assess the appropriateness of the mitigation measures already embedded into the Scheme's design and the need for additional mitigation.
- 8.72 The ES assessing that overall the Scheme will have '*No significant adverse effects*' on climate change and the Scheme is considered to be consistent with local and national planning policies that seek to mitigate the impacts of climate change and limit greenhouse gas emissions. In assessing the impacts of the Scheme on climate change, Paragraph 7.40 of the Case Officer's Committee Report concludes that: '*taking into account the information which has accompanied the application and the responses to consultation from those whom the County Planning Authority has sought expert advice including the Environment Agency and the Lead Local Flood Authority, there has been an absence of any indications that might suggest the scheme being incapable of accommodating the consequences of both the effects of the development upon climate change or the proposed development's resilience against the effects of climate such that compliance with HDLP Policy CC4 has, in this instance, been satisfied.*'

Biodiversity

- 8.73 Construction - The Scheme will result in the permanent and temporary loss (albeit relatively small) and degradation of habitats for which the North Pennine Moors was designated a SAC (site also designated a SPA and a SSSI) as well as non-qualifying habitat. Construction of the Scheme will also result in the permanent and temporary loss as well as degradation and fragmentation of important ecological features outside the designated sites, required to accommodate the Scheme and to facilitate construction respectively.
- 8.74 Construction activities such as vegetation clearance, earthworks and vehicle movements have the potential to cause adverse effects on sensitive ecological receptors including important ecological habitats, barn owls, breeding birds, foraging raptors, bats, otters, badgers. These impacts include permanent and temporary loss, degradation and fragmentation of species habitat, disturbance and displacement of species which could influence breeding success and result in mortality of individuals from amongst these species. Works associated with the proposed diversion and realignment of Hall Beck could lead to the death, injury of brook lamprey, brown trout and otters as well as other aquatic species present in the beck. These works could also restrict migrating fish, fragment aquatic habitat and reduce water quality which would adversely affects aquatic species present in the beck.
- 8.75 The Environmental Statement includes mitigation measures to minimise these impacts and to protect sensitive ecology and habitats during the construction phase of the Scheme. These measures will be implemented via a Construction Environmental Management Plan and will ensure that aforementioned effects on sensitive ecological receptor sites, habitats and species are not significant.
- 8.76 Operation - Adverse effects on sensitive ecological receptors during the operation of the Scheme include degradation of habitats due to air quality changes, injury and deaths of individuals through traffic related incidents, disturbance from traffic noise and head lights and the barrier created by the presence of the road itself. The Scheme would have a beneficial effect as a part of the existing section of the A59 to be downgraded will be broken up and planted with acid grassland and heath habitats which will improve connectivity of this area to the rest of the adjoining designated area. Enhancement measures such as the installation of a wildlife tower and 20 bird boxes in addition to measures required to mitigate adverse ecological effects on bird species will bring about additional beneficial effects for birds. Mitigation measures aimed at preventing and minimising potential adverse effects of the Scheme's operation will serve to ensure these effects are not significant. The Scheme will result in a significant residual adverse effect on fish within Hall Beck as the length of the proposed culverts along the length of the beck diversion will result in fish having reduced access to important habitats and could lead to a decline in population of fish and other aquatic species.
- 8.77 The Environmental Impact Assessment prepared for the Scheme has identified the potential impacts on the environment and habitats and protected species within the survey area, the extent to which these may be affected, and the mitigation and enhancement measures required. The resultant is the scheme's impact being classified as de-minimis. Mitigations are in place to address key concerns that remain following the sympathetic confirmation of the new road alignment. This includes the installation of Barn Owl boxes and towers and the installation of Bat poles.
- 8.78 The biodiversity impacts of the Scheme have been assessed by a number of statutory consultees. In their consultation response dated 24th September 2020 Natural England confirmed that it had '*no objections*' to the Scheme, subject to an agreement on an agreement over biodiversity and landscape mitigation measures.
- 8.79 An Outline Landscape and Ecology Mitigation, Monitoring and Management Plan (OLEMMMP) aimed at compensating the negative landscape and biodiversity impacts of the Scheme has been submitted as part of the planning application as well as the

Heads of Terms of a draft unilateral undertaking for a fund to help deliver the proposed mitigation measures.

- 8.80 Having reviewed the submitted OLEMMMP, Natural England confirmed by email dated 6 October 2020 that it had no further comments to add. North Yorkshire County Council's Principal Ecologist welcomed the OLEMMMP and recommended that a series of planning conditions be imposed on any planning permission that is granted to ensure the satisfactory mitigation of the Scheme's biodiversity impacts.
- 8.81 The consultation response of the Nidderdale AONB board dated 8 October 2020 noted that the AONB Committee: *'is confident that implementation of the Landscape and Ecology Mitigation, Monitoring and Management Plan will result in a measurable benefit for biodiversity'* and that the AONB team *'remains willing to be involved in delivery of the off-site biodiversity and landscape elements of the plan.'*
- 8.82 NYCC's Ecology Adviser similarly accepted this approach and confirmed in their consultation response dated 5th October that they did not object to the planning application and there were similarly no objections to the Scheme from the Yorkshire Wildlife Trust.
- 8.83 Paragraph 7.34 of the Case Officer's Committee Report states that through the ES and the planning application the applicant has *'demonstrated that regard has been had to safeguarding, as far as is reasonably possible and practicable, the natural environment proportionate to the scale and sensitivity of the ecological receptors affected to differing degrees such that the development is capable of being considered to be acceptable in land use planning terms and capable of avoiding giving rise to significant conflict with the relevant policies identified above and that where potential conflict has been identified to exist, this is outweighed by the other considerations that pull in favour of the proposed development, providing, that the measures identified in mitigation are secured and implemented in full.'*
- 8.84 Overall it is considered that with the measures proposed in the OLEMMMP and the imposition of appropriate planning conditions, the Scheme will have a positive impact on biodiversity, consistent with HDLP Policy NE3 (*'Protecting the Natural Environment'*) and with the aims of local and national planning policy.

Landscape and Visual Effects

- 8.85 Construction - Adverse landscape effects will arise due to the presence of construction vehicles and the clearance of vegetation that contributes to local landscape character. There will be alterations in the experience of visitors to the Nidderdale AONB due to the temporary reduction in tranquility as a result of noise and visual impacts from construction plant and activities. There will also be light pollution in an area of dark sky landscape from floodlighting to allow a full working day in winter. The landscape character around the Scheme will be adversely affected as construction of the Scheme progresses with the gradual emergence of the road alignment with reworked landform and new vegetation pattern. Direct and indirect effects are expected to occur with risk of damage to four veteran trees in close proximity to the proposed works.
- 8.86 The construction activities are also expected to bring about adverse visual effects, especially on recreational receptors using the local PRoW network and local residential properties overlooking the Scheme. This will come about with the creation of open views across the valley due to vegetation clearance and creation of new landform with bare soil awaiting vegetation growth. Construction of new structures which will be prominent construction activities such as the retaining wall (5m height), underpasses, underground culverts and headwall are also expected to give rise to adverse visual effects, albeit at a localised level. Mitigation measures such as the sensitive siting of temporary construction offices, materials and machinery within the Scheme's boundary and the protection of trees during construction will serve to minimise adverse landscape and visual effects however significant adverse residual

landscape and significant adverse residual visual effects are expected during the construction phase of the Scheme.

- 8.87 Operation - The creation of the new highway, crossing Kex Gill Valley from open moorland to the valley floor would introduce a new linear structure into a moorland/rural landscape. The highway with graded embankments, cuttings, structures, drainage, attenuation basins, road junctions, realigned field boundaries and PRoW would impose a new series of features, out of keeping with the surrounding landscape character. Planting of native deciduous trees and shrubs as woodland, copse and individual scattered trees, re-introduction of upland heath habitat, wildflower meadow and grasslands, reinstatement of field boundaries, watercourses and rock outcrops will assist in assimilating the new structures into the surrounding landscape with time, however significant adverse residual landscape effects on the AONB and neighbouring landscape, within 1km are unavoidable. The landscape strategy for the new planting identified and replicates the typical pattern of vegetation found within the different types of local character area from the open moorland to upland pasture to wooded valley floor. By replanting habitat common to the area, using locally occurring plant species, the pattern of vegetation on embankments and cuttings would merge into the surrounding landscape when viewed at a distance. The effects on the majority of visual receptors will diminish over time as the proposed planting becomes established and reduces awareness of the Scheme. Significant adverse residual visual effects are expected to occur to recreational receptors using the realigned Public Rights of Way network and nearby residential receptors to the east of the Scheme.
- 8.88 Provision of a new road through this area will have an impact on the AONB, however the design of the road recognises, and is sensitive to, the importance of the area to geology, ecology, biodiversity, heritage and landscape character, and has been designed to minimise the impacts on these special qualities as much as possible. A range of sustainable design solutions are to be employed including sympathetic landscaping and planting, assessment of the visual impact of the scheme, sustainable drainage and extensive consultation on the works with stakeholders including the AONB management team and users of the AONB. An acceptable solution, for how the existing route will be returned to nature is set out in the ES.
- 8.89 The assessment of likely significant effects on landscape and visual amenity has been undertaken in line with Harrogate District Landscape Character Assessment Supplementary Planning Guidance. and informed by consultation with statutory and non-statutory bodies including landowners' representatives.
- 8.90 This position is supported by consultation response of the Nidderdale AONB board dated 8 October 2020 which confirms that the fund for delivering the OLEMMMP 'will be able to deliver meaningful positive landscape impact'. This view is also supported by the consultation response on NYCC's Principal Landscape Architect in his consultation response dated 5 October 2020 which concludes that, subject to the imposition of conditions and the delivery of the OLEMMMP: *'I am satisfied that the scheme design, OLEMMMP and Offsite Measures Fund do what is reasonable and possible to mitigate, offset and compensate these adverse effects while achieving the overall objectives of the A59 Kex Gill Diversion scheme and I am generally supportive of the Landscape approach taken'*.
- 8.91 The Landscape and Visual Impacts of the Scheme are considered at Paragraph 7.93 of the Case Officer's Report, which concludes that: *'There is nothing arising, provided that both best practice is followed and adequate mitigation is undertaken, which would give rise to a conclusion that the impacts upon the landscape would be, materially, both significant or adverse to such a degree that would warrant a refusal on this ground alone and the argument to sustain such a refusal sufficiently compelling.'*

Cultural Heritage

- 8.92 Construction - The Scheme would result in the permanent and irreversible loss of known below ground remains of non-designated heritage assets and has the potential to result in the complete loss of unknown below ground heritage assets. Construction of the Scheme will also have adverse effects on above ground and built heritage assets around it with the removal of a non-designated stone wall and change to the setting of designated heritage assets such as Myer's Lair Barn, Church of St Andrew, Blubberhouses Hall, Sundial approximately 5m south of Blubberhouses and non-designated heritage assets. It would also adversely impact upon historic landscape character. Mitigation in the form of preservation by record will be undertaken to reduce adverse effects on known below ground remains. Evaluation in the form trial trenching would be undertaken within the assumed location of below ground remains within the Scheme boundary. With mitigation, significant adverse residual effects are expected with the loss of known below and above ground remains and change in settings of designated heritage assets.
- 8.93 Operation - The Scheme will result in the significant adverse effects on the setting of designated and non-designated heritage assets particularly Myer's Lair Barn, Church of St Andrew and Blubberhouses Hall as well as an increase in exposure of assets to road noise. The impacts on the setting of the Grade II Listed Building Mile Post approximately 30m west of Paradise would be mitigated through its removal and the repositioning to an appropriate location alongside the diverted A59.
- 8.94 The consultation response from Historic England dated 16 December 2019 noted that it did not intend to offer any comments. Chapter 7 of the submitted Environmental Statement assesses the impacts of the Scheme on heritage assets, particularly during the construction phase. It confirms that mitigation measures can be deployed, such as the use of temporary sound barriers, dust reduction and traffic management plans to ensure plant movements are limited near heritage assets, to reduce any adverse impacts during the construction phase. Such measures will lessen the impacts and effects to a degree/
- 8.95 With suitable mitigation in place, the scheme is assessed to have "moderate" or "slight" adverse impacts on the designated heritage assets. Overall any adverse impacts of the Scheme would be outweighed by the public benefits of the proposal, consistent with Policy HP2 ('Heritage Assets') of the HDLP.
- The Scheme is considered to be consistent with the policies of HDLP in relation to heritage and heritage assets.
- 8.96 The Case Officer's Report considers the impacts of the Scheme on cultural heritage at Paragraph 106 which assesses that: *'In light of the requirement of 'development plan' policy, HDLP Policy HP4, seeking to safeguard against significant adverse impacts upon residential amenity pointing specifically to impacts upon the amenity of residents in regards to, amongst other things, noise, vibration and other disturbances, the absence of significant adverse effects demonstrates the proposed development, once mitigated and controlled by condition, to be capable of satisfying the requirements of this policy on this occasion.'*

Noise and Vibration

- 8.97 Construction - During the construction phase increased noise and vibration levels are likely to result from construction activities such as establishing the construction compound, vehicle operating on site and construction traffic entering and leaving the construction site. With appropriate mitigation in place noise and vibration effects from construction will not be significant.
- 8.98 Operation -. During operation of the Scheme, beneficial noise effects are expected along the existing A59 at Bothams Farm and Church of St Andrew since the traffic will be transferred away from the current alignment. Negligible to minor increases in noise

levels are expected at other dwellings within the 300m noise impact zone of the Scheme.

- 8.99 As identified within the ES, the Scheme would have some negative impacts in terms of noise and vibration it is considered that overall the Scheme is acceptable in planning policy terms. It is noted that the Harrogate District Council's Environmental Health Team, in their consultation response dated 14 May 2020 concluded that: *'the construction noise will be controlled, through best practice, by mitigation, monitoring and by controlling the hours of operation. It is considered that residual noise will not be significant and vibration will also not be significant.'*
- 8.100 Paragraph 7.106 of the Case Officer's Report assesses the noise and vibration impacts of the Scheme and considers that: *'In light of the requirement of 'development plan' policy, HDLP Policy HP4, seeking to safeguard against significant adverse impacts upon residential amenity pointing specifically to impacts upon the amenity of residents in regards to, amongst other things, noise, vibration and other disturbances, the absence of significant adverse effects demonstrates the proposed development, once mitigated and controlled by condition, to be capable of satisfying the requirements of this policy on this occasion.'*

Road Drainage and the Water Environment

- 8.101 Construction - During the construction of the Scheme, there is potential for contamination of surface water bodies (including downstream reservoirs) due to ground disturbance and vegetation clearance and changes to groundwater discharges. Changes to the existing water environment of the Hall Beck watercourse due to the proposed diversion of Hall Beck affecting aquatic ecology and sediment regime are expected to occur. Potential exists for adverse changes to water quality of surface water bodies in the vicinity of the Scheme due to accidental spillage and leaks during construction. There is also a risk of short term increases in flood risk due to construction activities. Construction of earthworks near Blubberhouses Moor would affect currently blocked land drains, known as grips, which may change the hydrology of the peat potentially resulting in the degradation or loss of peat or peat dependent ecosystems.
- 8.102 The implementation of specific pollution prevention controls within a Construction Environmental Management Plan will serve to avoid the risk of pollution to water courses during construction of the Proposed Scheme. Proper implementation of the mitigation measures outlined in the Environmental Statement will ensure no significant adverse effects to the water environment by the Proposed Scheme during construction.
- 8.103 Operation - During operation of the Scheme there is a potential for increase in contamination of surface water bodies from routine run off, leaks and spillages from the road. The Scheme includes sustainable drainage features which will control the quality and quantity of drainage entering the water environment. All of these measures will be constructed under current good practice standards and will be properly maintained ensuring the operational effects of the Proposed Scheme on the water environment are not significant.

Subject to appropriate mitigation measures and operational practices to be set out and monitored in the CEMP, the potential impacts on the water environment are acceptable and comply with the objectives of paragraphs 11, 149 and 160 of the NPPF, Policy EQ1 of the Core Strategy and Proposed Policies CC1, CC2 and NE 3 of the HDLP. It is also noted that both the Environment Agency and the Council's Drainage team have not objected to the planning application.

Geology and Soils

- 8.104 Construction - The assessment of the Scheme's impact on the local geology and soils concluded with no significant effects. Construction phase activities, especially the storage of any construction plant fuels, oils or chemicals, come with the potential for fuel / oil leaks from vehicles, storage containers or refuelling points to discharge contamination to ground resulting in pollution of controlled water bodies. There is also the potential for disturbance of contaminated ground / groundwater resulting in harm to human health as well as release contaminated soil or groundwater to surrounding environment. Proposed mitigation during construction consists of ensuring activities such as refuelling will be limited to these hard-standing areas. Additionally, a watching brief will be maintained to ensure that if any unexpected contaminants are encountered, these are properly managed. Implementation of these measures will ensure that construction effects of the Scheme on Geology and Soils are not significant.
- 8.105 Operation - No significant effects on geology and soils are anticipated during the operation of the Scheme. As a result, no mitigation measures are required.
- 8.106 It is considered that the Scheme complies with the objectives of paragraphs 170 and 179 of the NPPF, and Policy NE9 of HDLP. This view is supported by the conclusion of the Case Officer Report at Paragraph 7.117 that : *'The applicant's expert advisers have concluded no significant residual effects upon geology and soils overall; thereby rendering the proposed development compliant with both HDLP Policy NE8 and HDLP Policy NE9.'*

Materials and Waste

- 8.107 Construction - The Scheme has the potential to consume materials (including those recovered from site arisings) and produce waste during the construction phase, especially from demolition and site preparation activities, which will require disposal. Appropriate plans will be implemented as part of the Construction Environmental Management Plan for the re-use and disposal of waste from site. As a result of this, no significant effects from materials consumption and waste disposal are expected during construction of the Scheme.
- 8.108 Operation - Minor modifications, maintenance and repair works will be required during the years following construction. The construction contractor will be responsible for repairing any defect within an initial 5-year period and will be responsible for any materials purchase and waste disposal associated with these repairs. Professional judgement and experience of road schemes indicate that there should be no significant effects on materials and waste during operation.
- 8.109 It is therefore considered that the Scheme complies with the objectives of relevant planning policy i.e. National Policy Statement for National Networks, NPPF, Waste Management Plan for England 2013, National Planning Policy for Waste 2014, National Policy Statement for Hazardous Waste 2013, Our Waste, Our resources: A Strategy for England and the Minerals and Waste Joint Plan for NYCC, City of York Council and North Yorkshire Moors National Park. The conclusion of the Case Officer's Report in relation to Materials and Waste is that: *'the proposed development satisfies, insofar as is considered reasonably possible to do so, the requirements of HDLP Policy CC4 and avoids giving rise to conflict of any significance with this policy.'*

Population and Health

- 8.110 Construction - During construction of the Scheme there is potential for residential properties to experience disruption to their normal movement pattern as a result of construction works in close proximity. The local Public Rights of Way will be disrupted during this period so will traffic on the local road network with construction vehicles using these roads. The Scheme will result in the permanent loss of approximately 22.1 hectares of land but none of this will be from residential properties. Potential air quality,

noise and vibration related population and health effects during construction are not considered to be significant. Mitigation measures during construction would include temporary diversions and signage to limit the impacts of any temporary closures of the Public Rights of Way and local accesses. During construction the alignment of the new road will serve as the main construction access, thereby minimising impact to the local road network. In view of this, no significant effects on population and health are expected during construction of the Scheme.

- 8.111 Operation - Modifications to the route of a number of footpaths, a bridleway and the Six Dales Trail is proposed. Though significant noise effects are predicted on people using the open spaces around the Scheme, once construction of the Scheme is completed, access to open space and the local Public Rights of Way would be improved, bringing overall beneficial effects to the health of those people who make use of the new and improved assets. A reduction in driver frustration and stress is expected with the removal of journey time uncertainties caused by landslips.
- 8.112 Given that no significant residual effects on local population and health are predicted then it is considered that the Scheme is consistent with planning policies in respect of population and health. This view is supported by Paragraph 7.113 of the Case Officer's report which concludes: *'With specific regard to population and health, the assessment identified the effects upon the land take of both physical assets and land in both private and community use, disruption to community facilities finding that the effects as well as the overall health of the local community during both the construction and operational phases, once mitigated (through such means as ensuring the local population is communicated with at appropriate stages etc.), as being unlikely to be significant.'*

Management of Environmental Impacts

- 8.113 The impacts of construction activities will be managed through the development and implementation of measures within a Construction Environmental Management Plan. This will include full details of the required scheme specific mitigation measures and how and when these will be delivered whilst addressing and adhering to all statutory and legal processes.
- 8.114 The hard landscape proposals include reinstating and creation of new field boundary features e.g. drystone walls and creation of new structural features such as retaining walls, attenuation basins and culvert headwalls. These new introduced elements have been designed responding to the landscape character by recognising the local style of construction and specifying suitable materials, either recycled or ideally using local source where feasible.
- 8.115 The OLEMMMP has been prepared with planting proposals to use a variety of plant mixes to replicate, reinstate and enhance the existing landscape character, assist in mitigating potential views from sensitive locations and encourage greater biodiversity. It will also include contingency plans for mitigation not establishing and the Biodiversity Action Management Plan (BAMP) commitments.
- 8.116 A Detailed LEMMMP will be provided at a later stage on completion of a successful planning application and its preparation and delivery will be secured by a planning condition. Within the Detailed LEMMMP there will be a description of the proposed management activities for the soft/hard landscape and ecology measures which may be required for the safe and effective functioning of the Scheme. The construction contractor will engage suitability qualified specialists to ensure the objectives of LEMMMP and other scheme specific mitigation measures are realised.
- 8.117 The monitoring and maintenance of the landscape and ecological mitigation measures will be North Yorkshire County Council's responsibility, and this will be undertaken initially by the construction contractor as part of an after-care five-year maintenance period post construction. Heads of Terms (HoTs) for a legal agreement will set up a

strategic framework to help deliver off site ecology, biodiversity and landscape measures for a period of 30 years following the aftercare maintenance period. This will be undertaken in partnership with the AONB, landowners and farmers.

- 8.118 It is considered that there is no planning bar to the Scheme; that there is national and local policy support for the Scheme together with other material considerations which weigh in favour of the application. However, the determination of the application remains a matter for the Council's Planning and Regulatory Functions Committee.

Planning Balance

- 8.119 In assessing whether there are any obvious reasons why the Scheme would not be granted planning permission, it should be acknowledged that the Scheme is located in an area that has a number of environmental constraints.
- 8.120 The Scheme is a major application within an AONB and as such there is a requirement in both local and national planning policy to be able to demonstrate '*very special circumstances.*'
- 8.121 The need for the Scheme is considered in Section 4 of this Statement. The A59 is a key east west transport link in the region and is subject to significant geotechnical instability which is impacting on the operation of the road. Unscheduled closures are having a significant impact in the area and efforts to stabilise the land are not able to fully address this issue. An Options Assessment Report was produced which identified eight potential corridors of which three were considered to corridors could provide a suitable, cost-effective solution to the problem of landslips associated with the Kex Gill section of the A59. All of these options would impact both directly and indirectly on Nidderdale AONB.
- 8.122 The Case Officer's Report records the need for the Scheme at Paragraph 8.12, confirming that 'in this particular instance, the 'do nothing' approach cannot be sustained any longer (due to the risk of further continued and perhaps worse landslip events in the future)' and that '*the demonstrable necessity to find an engineering solution to ensure a continued resilient public highway connection along Kex Gill (notwithstanding its greater prominence in the landscape) and the lack of an alternative route that would avoid the acknowledged adverse impacts is compelling.*'
- 8.123 The Scheme is considered to be in the public interest and given that there is no alternative option that would avoid impacting on the AONB, and that there is such clear need for a new road in this location it is considered that the '*very special circumstances*' required to justify the proposed development within the AONB can be demonstrated.
- 8.124 An appropriate package of mitigation measures has been agreed that will minimise the impacts in the AONB and there are no objections to the application from either NYCC's Principal Landscape Officer or the Nidderdale AONB. As set out above, the impacts of the Scheme on Nidderdale AONB are assessed in detail in the Case Officer's Committee Report and the impacts were not considered significant enough to outweigh the benefits of the Scheme or require the refusal of planning permission.
- 8.125 The impacts of the Scheme on the SAC, SPA and SSSI are also important to the determination of the planning application. It is considered that the proposed mitigation measures are sufficient to mitigate the direct impacts of the Scheme and to protect the integrity of these allocated sites. The Habitat Regulations Assessment has indicated this scheme will can be delivered without impacting of the integrity of these areas, and as such is considered to be acceptable in planning terms. There are no objections to the application from Natural England, nor NYCC's Principal Ecologist.
- 8.126 Other environmental impacts are considered to be acceptable or can be mitigated to an acceptable level which is consistent with planning policy.

- 8.127 Emerging planning policy is a material consideration in the determination of the planning application, particularly in relation to mineral safeguarding. The submitted ES identifies that the Scheme would directly sterilise a percentage of the Silica Sand reserve that has been identified in this location.
- 8.128 Whilst the importance of safeguarding mineral resources is an acknowledged part of the planning system, Mineral Safeguarding Areas (MSAs) are not a policy requirement that overrides all other considerations. The purpose of MSAs is to prevent development that would lead to the *'unnecessary'* sterilisation of a known mineral resource: it is not to prevent any form of non-mineral development within an MSA. The demonstrable need for a new road in this location is considered to outweigh the need to safeguard the entirety of the silica reserve.
- 8.129 The view is supported by the Case Officer's Report which concludes at Paragraph 8.7 – 8.8: *'the development, while giving rise to a degree of conflict with a number of policies, is, nevertheless, one for which there exists overriding public benefits which are considered to outweigh such conflicts. For the reasons mentioned above, it is therefore considered that there are no material planning considerations to warrant the refusal of this application for the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses.'*
- 8.130 In assessing the overall planning balance, the Case Officer's Report records at Paragraph 8.13 that: *'When weighed in the 'planning balance', relating to the extant policies against which this proposal must be assessed, it is for the reasons explained in the preceding paragraphs, that the development, while giving rise to a degree of conflict with a number of policies, is, nevertheless, one for which there exists overriding public benefits which are considered to outweigh such conflicts.'*
- 8.131 Some negative environmental impacts of the Scheme, particularly on the AONB and on the silica sand reserve are acknowledged. However the Scheme overall is considered to be broadly in accordance with the provisions of the development plan and national planning policy.
- 8.132 Having considered the report of the Head of Planning and discussed the planning merits of the Scheme, the committee unanimously resolved to approved the planning application.

9. SCHEME APPROVAL, FINANCIAL PROVISION AND PROGRAMME

- 9.1 The Full Business Case (FBC) for the Scheme was submitted to the Department for Transport (DfT) on 4th November 2019. A revised funding profile was submitted to the DfT on 24th August 2020 and further information on aspects of the scheme were provided as requested. The full cost of the Scheme is £61.6million which is inclusive of the following:
- Construction costs (preliminaries, structures, road works, earthworks, ancillary works, statutory undertakers and third party);
 - Land and property costs (land acquisition, legal fees, and compensation);
 - Environment/Ecology mitigation and off-site compensation;
 - Design, preparation and supervision costs (project management, consultancy fees, design, public consultation, public inquiry, surveys and costs associated with gaining statutory powers/orders);
 - Quantified risk allowance;

- Inflation.

- 9.2 A contribution of £56.1 million of government funding has been sought from the DfT and the County Council has received confirmation on this funding by way of a letter from the DfT dated 1 February 2021 . The letter confirms programme entry for the scheme within the DfT Large Local Majors programme and indicates that if Full Approval is granted then the funding will be paid as capital grant pursuant to Section 31 of the Local Government Act 2003.
- 9.3 North Yorkshire County Council is making a local contribution of £5.5 million which was approved by the Council's Executive on 9 March 2021. Approximately £3,637,263 has been committed to scheme development to date ('sunk costs')
- 9.4 The NYCC funding contribution for the Kex Gill diversion will be provided from the Strategic Capacity Reserve.
- 9.5 The economic section of the FBC has presented an BCR for the scheme which is 4.3. In line with the DfT's Value for Money Framework (2017), this is considered to be of Very High value for money. Initial feedback received in July 2019 from the DfT on the outline business case was favourable with the DfT confirming the scheme provided value for money.

Programme for the Scheme

- 9.6 The Council's programme for the Scheme's implementation (assuming no public inquiry) is broken down into 3 sections. Works would start on site on 11 November 2021 with sectional descriptions and completions as shown in the table below:

<i>Section</i>	<i>Description</i>	<i>Completion date</i>
1	All the <i>works</i> associated with the new highway alignment between Blubberhouses Bridge and west of North Moor Road including tie in with all new junctions (Hall Lane, Church Hill, Fewston Reservoir Carpark) and the existing A59 at the eastern and western boundaries of the <i>works</i> .	16 February 2024
2	All the <i>works</i> associated with the existing A59 including new bridleway, farm access and abandonment.	27 May 2024
3	Aftercare and management of environmental landscaping, planting, and ecological mitigation.	28 May 2029

- 9.7 The necessary resources are, or will be, available to achieve completion of the Scheme in winter 2023 in the event of no public inquiry.

10. SPECIAL CONSIDERATIONS AFFECTING THE ORDER SITE

- 10.1 There are no Listed Buildings within the Order land, although outside of the red line boundary for the Scheme there are two listed buildings that may be impacted by the Council's planning application, namely Myer's Lair Barn and Blubberhouses Hall. This is primarily in relation to the setting for Blubberhouses Hall and the visual impact / proximity of both buildings to the proposed new road alignment and associated potential visual, noise and dust considerations.
- 10.2 There are a number of ancient, veteran and notable trees within the red line boundary. Upon engagement with Natural England and other key stakeholders the construction works will not impact upon these. No tree preservation orders are affected by the works.
- 10.3 The Scheme lies within environmentally designated areas of National and European importance. A full Habitat Regulation Screening and Assessment has been carried out along with the full Environment Statement. In general, the impact has been classed as a de-minimis, however reasonable steps have been taken in terms of ensuring the new road alignment is as far away from the various designated lands (SPA/SAC/SINC etc) as possible. Additional landscaping and planting will be carried out as well as the installation of Barn Owl towers, Barn Owl boxes and Bat poles. Reasonable mitigations for flora and fauna have been proposed and agreed with the AONB, Natural England and the Environment Agency and other key stakeholders. Additionally, areas for bio-diversity net gain have been promoted throughout the localised area.
- 10.4 The CPO includes areas of land to facilitate the diversion of the existing Hall Beck. This is necessary in order to enable the construction of the new alignment and culverts. The diverted Hall Beck will seek to enhance provisions for ecology by installing features such as baffles and swales. The culverts will also make provision for mammal ledges. These proposals have been developed with comments from Natural England and the Environment Agency.
- 10.5 There is approximately 9.73 hectares of Common Land that are affected by the scheme. The Common Land is located in the western end of the scheme around North Moor Road and over Blubberhouses Moor. It also covers the public Bridleway 15.14/5/1 and agricultural land to the north of this starting at North Moor Road and continuing 976 metres along the bridleway before terminating. Replacement Common Land, being an area equivalent to that affected by the Scheme, will be provided that is equally advantageous to the landowner and those holding commoner's rights. Land bounded by the area locally known as Cat Crag has been identified as equally advantageous in terms of compensation.

11. VIEW OF GOVERNMENT DEPARTMENTS

- 11.1 In the design development of the scheme the Council has actively engaged with a range of government agencies to ensure compliance with relevant statutory provisions and to identify how the scheme can assist in delivering wider government objectives as follows:
- 11.1.1 **Department for Transport (DfT)** – The DfT is the government department responsible for the English transport network. They are a key sponsor for the Scheme and are providing the majority of the scheme's funding. They have been actively engaged from scheme inception and have confirmed their support and acceptance of proposals. The assessment of the Scheme through the FBC has followed the DfT's WebTAG process and aligns with their priorities:
- Boosting economic growth and opportunity;
 - Building a One Nation Britain;

- Improving journeys;
- Safe, secure and sustainable transport.

11.1.2 **Environment Agency (EA)** – The EA is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs. Within England it is responsible for regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology. The EA is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. The EA has no objections to the proposed Scheme and considers that it will meet the requirements of the NPPF. The EA has worked with the Council prior to and during the planning process for the Scheme and agreement has been reached on conditions that will ensure further detailed design is in accordance with the Agency's objectives for protection and enhancement of the environment.

11.1.3 **Natural England (NE)** – NE is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. NE is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs. NE has been advising on the Scheme from a very early stage and is broadly supportive. They have advised on areas that relate to protected species and have provided advice on deciding if there is a reasonable likelihood of protected species being present, information relating to protected species surveys and mitigation strategies. In addition, NE welcomed the proposed measures to enhance biodiversity and the mitigations for the impact upon the landscape. A representative from NE will sit on the tender quality evaluation panel to ensure the successful tenderer has fully considered the environmental and ecological risks associated with the construction of the Scheme.

11.1.4 **Historic England** - Historic England is the public body that looks after England's historic environment. It has been consulted by the Council from an early stage in the development of the Scheme to aid understanding of the statutory designated historic and cultural assets across the scheme area. Historic England has not indicated any objections to the Scheme.

12. HUMAN RIGHTS CONSIDERATIONS AND ANY OTHER CONSIDERATIONS

- 12.1 The Human Rights Act 1998 requires, inter alia, that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms ("**the Convention**").
- 12.2 Article 1 of the First Protocol of the Convention provides: "Every natural or legal person is entitled to peaceful enjoyment of his possessions and no one shall be deprived of his possessions except in the public interest and subject to the conditions provided by law and the general principals of international law".
- 12.3 Furthermore, Article 8 of the Convention provides; "Everyone has the right to respect of his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of the economic wellbeing of the country".
- 12.4 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.
- 12.5 The Order has been made pursuant to sections 239, 240, 246 and 250 of the Highways Act 1980 which if confirmed will authorise the Council to acquire the land and new rights required compulsorily, subject to the procedures laid down in the Acquisition of Land Act 1981. The Council is of the view that in pursuing the Compulsory Purchase Order, it has carefully considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights, if there is any, is considered to be justified and proportionate in order to secure the economic, social, physical and environmental regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the relevant statutory provisions.
- 12.6 The rights of owners of interests in the Order lands under the Human Rights Act 1998, in particular the rights contained in Article 8 of the Convention and Article 1 of its First Protocol, have been taken into account by the Council when considering whether to make the Compulsory Purchase Order and when considering the extent of the interests to be comprised in the Compulsory Purchase Order. In addition, having regard to the provisions of the Highways Act 1980 and the Guidance, the Council considers that the Order Land is both necessary for and will facilitate the carrying out of the Scheme.
- 12.7 Extensive consultation has taken place in relation to the Scheme during the early stages of its development and during the planning stage, with the opportunity being provided for affected parties to make representations.
- 12.8 Negotiations have also been pursued with parties affected by both the Compulsory Purchase Order and the Side Roads Order. An opportunity to object to these orders is available through the statutory processes relating to their authorisation and confirmation of them and any such objections may be considered by the Secretary of State at a public inquiry. Those from whom land or interests in land will be acquired under the Compulsory Purchase Order and parties affected by the stopping up of private means of access under the provisions of the Side Roads Order will be entitled to receive compensation proportionate to any loss suffered.

13. EQUALITIES IMPACT ASSESSMENT

- 13.1 The Council is subject to the Public Sector Equality Duty. The Council takes this duty seriously and has considered equalities issues in preparation on the Scheme.
- 13.2 As part of the report to the Council's Executive seeking authorisation for the making of the Side Roads Order and Compulsory Purchase Order a full equalities impact assessment was undertaken. This assessment will be revisited and updated at regular points in the Side Roads Order and Compulsory Purchase Order process and in the event of any further formal decision making relating to the Scheme.
- 13.3 The findings of the assessment are that there are no adverse impacts on persons with protected characteristics as a result of the Scheme. The equalities impact assessment was most recently reviewed in July 2021 prior to the making of the Orders and following approval of planning permission and confirmation of funding approval by DFT.
- 13.4 Whilst it is recognised that this is a major scheme that will have an impact on a range of land and property interests it is considered that there are no specific Equality, Diversity, Cohesion or Integration implications.

14. ENQUIRIES

Project Information

14.1

Information about the project as it progresses and copies of the Orders, Plans, Statement of Reasons are available on the Council's website at <https://www.northyorks.gov.uk/roads-parking-and-travel/major-transport-schemes-and-plans/a59-kex-gill-re-alignment>.

Access to Order Documents

The Order documents and some of the background documents listed below can be inspected during normal office hours at the locations below.

County Hall

Northallerton,

North Yorkshire,

DL7 8AD

Harrogate Library

Victoria Avenue

Harrogate

HG1 1EG

Skipton Library

32 High Street

Skipton

BD23 1JX

In light of Covid restrictions you may need to make an appointment to view the documents.