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Carole Dunn  
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Date: 12 September 2012

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Dear Ms Dunn,

### **Re Bedale, Aiskew and Leeming Bar Bypass Scheme**

Thank you for your letter of 30 July. Please accept my sincere apologies for the delay in replying to you.

Whilst The Planning Inspectorate cannot provide legal advice on which you should rely, in relation to the purpose for which the BALB project as a whole is being proposed, it would appear that it is primarily intended to alleviate traffic problems in the named villages rather than, for example, to improve connectivity into the Secretary of State's highway network.

In the letter you state that the scheme does not require any alterations or improvements to the Secretary of State's highway network. However, we note that the scheme is proposed to cross the A1(M) and link into newly constructed roundabouts connected with the A1(M), which also form part of the Secretary of State's highway network.

Accordingly, the Council will need to satisfy itself that in doing this it will not involve *any* alterations to the A1(M) or other parts of the Secretary of State's highway network. With regards to alterations, there is no *de minimis* threshold under s.22(4) and, unlike s.22(3), the threshold is not linked to the project having significant effects on the environment.

The Council will also need to satisfy itself on the purpose of the junction and roundabout works on/with the A1(M), since arguably one of the (incidental) purposes of these works would be to improve links onto and from the A1(M). Alternatively, it could be argued that this would be an incidental benefit of these works rather than one of the purposes for which they are proposed to be carried out.

I trust that this is helpful.

Yours sincerely

Kathrine Haddrell  
Senior Case Manager

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Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.