



Department
for Transport

Mr S Larkins
Atkins Limited
2 Capital Quarter
Tyndall Street
Cardiff
CF10 4BZ

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Email: dave.candlish@dft.gov.uk

Your Ref:

Our Ref: NATTRAN/SW/S247/4634

Date: 17 February 2022

Dear Mr Larkins

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247

PROPOSED STOPPING UP OF HIGHWAY AT ALSTON LANE, ASHBURTON TQ13 7ET

SECRETARY OF STATE'S DECISION – ORDER TO BE MADE

1. In accordance with Section 247 of the Town and Country Planning Act 1990, the Secretary of State for Transport (the Secretary of State) has decided that the application made by Atkins Ltd (the Applicant) for a stopping up Order (the Order), should be approved.

CONSIDERATIONS FOR DECISION

2. As 8 non-statutory objections remained outstanding the Secretary of State decided that a local Public Inquiry should be held for the purpose of hearing those objections and such an Inquiry was held on 7 December 2021 at Ashburton Town Hall, North Street, Ashburton, TQ13 7QQ before Mike Fox BA Dip TP MRTPI, an independent Inspector appointed by the Secretary of State.
3. The Inspector considered the representations and objections about the Order during the Inquiry and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. References to the report within this letter are prefixed 'IR'. The Secretary of State has given careful consideration to the Inspector's report and also to a number of other relevant issues, in reaching his final decision on this Order. Namely;
 - Whether there is a valid planning permission
 - Whether the area in question is public highway
 - Whether the closure is necessary to allow development to take place in accordance with the planning permission
 - Whether any disadvantages arising as a result of the stopping up outweigh the advantages of making the order

CONCLUSION

4. The Secretary of State is satisfied that there are valid planning permissions in place which were granted by Dartmoor National Park Authority and Devon County Council under references 0322/16 and DCC/3994/2017 respectively.
5. He is also satisfied that the area in question is highway and is needed to be stopped up to enable the development to take place (IR 6 and IR 101).
6. Overall, the Secretary of State is satisfied that the advantages of stopping up the area of highway conferred by the Order, would outweigh the disadvantages which have been put forward by the objectors.
7. The Secretary of State notes the concerns that have been raised by the Objectors in relation to the adverse impact on highway safety and convenience due to the loss of Alston Lane as a link to the A38, the loss of an historically important route and environmental issues.
8. The Secretary of State also notes the Inspector's comments at IR 98 - IR 139 where he concludes that whilst there would be some material disadvantages in terms of highway safety, he also states that these would be mitigated by the provision of an improved/new section of Waye Lane and improvements to Balland Lane.
9. With regards to the environmental concerns he notes the risk of flooding where the new highway will be located will be mitigated by the flood defence systems that will be in place. These have been designed in consultation with the Environment Agency and take into account climate change.
10. In relation to the historical importance of the route, the Secretary of State notes that Alston Lane is recognised in conditions 37 and 38 of the planning permission. These conditions provide for an archaeological watching brief, which would enable the observation, recording and recovery of artefacts and post-excavation analysis.
11. The Secretary of State agrees with the inspector's comments that the Order would bring many advantages, including economic and social benefits resulting from the expansion of Linhay Hill Quarry by the securing of significant mineral reserves to meet the nation's needs in accordance with national policy. The Order would also secure the continuation of employment both directly at the quarry and indirectly in the local area, and in particular within the local community of Ashburton.
12. The Secretary of State therefore agrees with the Inspector's recommendation at IR 140, that the Order be made. This is to enable the permitted development to be carried out, for which planning permissions were granted by Dartmoor National Park Authority and Devon County Council under references 0322/16 and DCC/3994/2017 respectively. The Order is therefore approved and is entitled "The Stopping up of Highway (South West) (No.6) Order 2022".
13. In making this Order, the Secretary of State has relied on the information that the parties have provided, as contained in the application and related plans, diagrams, statements and correspondence, as being factually correct.

14. A copy of this letter has been sent to the objectors. The Order will be advertised and copies will also be made available, on request, to any other persons directly concerned. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State to view any document appended to this report. This must be done by writing to the above address within 6 weeks of receipt of this letter.
15. In accordance with section 287 of the Act, any person aggrieved by or desiring to question the validity of any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may within 6 weeks of when the Order is advertised, apply to the High Court for the suspension or quashing of the Order or of any provision included.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Dave Candlish', with a long horizontal stroke extending to the right.

DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf