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Our ref: 009/039/000138
Your ref:

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Direct Line:
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10 June 2008

Dear [Name removed under the Data Protection Act]

FREEDOM OF INFORMATION ACT 2000
A6/A5111 RAYNESWAY PARK JUNCTION IMPROVEMENT

Thank you for your letter dated 9 May and 7 June requesting information regarding the A6/A5111 Raynesway Park Junction Improvement. I have dealt with your request under the terms of the Freedom of Information Act 2000.

I am writing to confirm that we have now completed our search for the information and I have addressed each of your questions and points in turn.

a) The relevant statutory period for the exhibition of draft orders for highways under paragraph 1(b) of Schedule 1 to the Highways Act 1980 is six weeks. There is no statutory requirement for a separate consultation period. Nevertheless, it is Highways Agency policy to undertake extensive prior consultations for all highway improvement schemes which it brings forward under the Highways Act 1980. However, for schemes such as the Raynesway Park Junction Improvement, which arise in the first instance as development applications under the town and country planning acts, it is Highways Agency policy to apply the minimum statutory objection period. This is predicated on the fact that the preceding planning applications for such schemes allow for public comment. Therefore the consultation period was not cut short – rather there was no consultation period for the highways element of the scheme. However, the objection period complied with statutory requirements and ran exactly as advertised. We are uncertain of the information you refer to on our web site, but the scheme-specific page of our website states that the objection period would run until 1 April 2008, and that is what happened. The objection period commenced on 12 February 2008 with the publication of draft orders and the placing of statutory notices in the local press, on signs and lampposts and in other places, and therefore the statutory minimum period for advertising of draft orders was complied with.

b) The publication of the draft orders was undertaken on behalf of the Secretary of State for Transport under the authority of and in full compliance with the 1980 Act and therefore no consultation was necessary.

c) We cannot comment on whether councillors were aware of the proposals. We do know that the developer had previously submitted a planning application to Derby City Council as local planning authority and we presume that the due process was followed leading to the determination of the planning application in December 2007. We also know that we gave statutory notice of the publication of our draft Orders to Derby City Council under the 1980 Act. The officer we have principally dealt with is John Stewart, who is well aware of the proposals.

Workmen may have been in the field for many reasons – not all of which have anything to do with the highway scheme or indeed the wider planning application. We cannot speculate on why workmen might have been on private land, although we are aware that, as would be expected, individuals have been on the site for reasons of surveying and investigation related to the planning application including the highway scheme.

We publicly exhibited the plans on 29 February, but we published them on 12 February as part of the draft orders. In addition to fulfilling our statutory obligations, we also arranged a press briefing which led to coverage in the Derby Evening Telegraph, where a copy of the general layout plan of the highway scheme was reproduced before the public exhibition. The press also attended the exhibition at our invitation, and that led to more coverage in the same newspaper. Moreover, we understand that the plans were available to the public from Derby City Council from 1 June 2007 when an addendum to the planning application was advertised in the local press, and that the plans have been available on Derby City Council's web site since mid-May 2007.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. We will, therefore, be simultaneously releasing to the public the information you requested, together with any related information that will provide a key to its wider context via our website: <http://www.highways.gov.uk>

If you are unhappy with the way we have handled your request, you may ask for an internal review. A leaflet detailing our internal review process is available. If you require a copy, please phone the Highways Agency Information Line on 08457 50 40 30; or e-mail ha_info@highways.gsi.gov.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

I hope my reply is helpful. If you have any queries about this letter, please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

MIKE WHERRETT
Acting Divisional Director
Network Operations (East Midlands)