

27 December 2023

Your Ref:

Our Ref: 17353

DWD



Dear Sir or Madam

WM MORRISON SUPERMARKETS LIMITED – WHITWICK ROAD, COALVILLE, LE67 3JN
FREEHOLD INTEREST IN PLOTS 7 AND 8
LEICESTERSHIRE COUNTY COUNCIL (A511 GROWTH CORRIDOR) (SIDE ROADS) ORDER 2023
LEICESTERSHIRE COUNTY COUNCIL (A511 GROWTH CORRIDOR) COMPULSORY PURCHASE ORDER 2023

Further to the above matter, we object, on behalf of WM Morrison Supermarkets Limited, in respect of **both** the above orders.

Our client's property comprises a food store and petrol filling station located between the A511 and Whitwick Road forming part of the Whitwick Retail Park.

Our client was only made aware of the proposed Compulsory Purchase Order (CPO) following the receipt of a letter from Trowers and Hamlins that was marked as having been issued on 30 November 2023. However, this letter was not received by our client until 19 December 2023 and we note that the closing date for objections is 5 January 2024.

The period of time provided for a reasoned response has therefore been unreasonably limited and we reserve the right to submit further grounds of objection in due course once further information is made available to us.

In this regard, our client has not received any contact in respect of the Side Roads Order (SRO) which is not referred to in the letter from Trowers and Hamlins. We have only become aware of this following an online search for, and review of, the Statement of Reasons which has formed the sole source of information in this regard.

No information has been provided to Morrisons in respect of the timing of the proposed works and there has been no engagement in respect of the impact of the land acquisition and works on the current store operation and future expansion of the store.

In effect there has been limited, if any, consideration by the Council of the impact of the proposed scheme on the lawful operation of the store both from a business perspective and the impact on existing and future customers during and following the works. Instead, it appears to have been assumed that the required land is surplus to current and future requirements such that our client would not notice the loss of the identified land.

Our client's grounds of objection against both Orders relate to the requirements of the *"Guidance on Compulsory purchase process and The Crichel Down Rules"* (the "Guidance") and are as follows:

Paragraph 2 of the Guidance requires the Council to demonstrate that they have taken reasonable steps to acquire our client's land and that compulsory purchase will only be used as a matter of last resort.

Other than the letter dated 30 November 2023 as referred to above, the Council has not made any attempt to engage in a substantive and meaningful manner with our client, no offer of compensation has been forthcoming and no fee undertaking to cover our client's costs has been proposed. The Council has effectively ignored the Guidance and misrepresented the true position in this regard within the Statement of Reasons.

Paragraph 3 re-emphasises the need for the Council to engage with affected landowners, make reasonable initial offers and engage constructively. None of these activities have occurred and, for the reasons already stated, it is self-evident that the Council has ignored the Guidance.

Paragraph 13 refers to the requirement to show that the necessary resources will be available. Whilst Section 16 of the Statement of Reasons purports to provide information in respect of resources it does not provide any information or breakdown as to the estimated costs of the scheme or availability of funding.

At best, it is a vague and high-level statement that provides nothing of substance that can be relied upon in ascertaining the extent to which the scheme can be delivered. The Council is a public body and none of this detail can therefore be considered to be commercially sensitive such that there is no credible reason not to provide a full breakdown of the costs together with the secured and anticipated funding including the terms of that funding.

Paragraph 14 continues the theme of funding from which it is further apparent that the information provided by the Council falls short of that required by the Guidance to allow the Inspector and third parties to properly scrutinise the position and satisfy themselves as to the position.

As already stated, it is entirely reasonable, bearing in mind that the Council intends to interfere with private ownerships, interests and businesses, that a full breakdown of the costs together with the source and amount of secured and anticipated funding is provided in an open and transparent manner.

Paragraph 17 re-emphasises the importance of undertaking negotiations in parallel with preparing and making an order. As set out above, the Council has made no attempt to engage.

As recent Inquiry Decisions have made clear, such a lack of engagement ahead of making the orders is a clear basis for the refusal of the CPO and, therefore, the SRO.

Paragraph 19 sets out the steps that should be taken by an acquiring authority in engaging with affected owners and occupiers of land. The Council has not complied and both orders are therefore premature.

Paragraph 106 refers, again to the financial viability of the scheme underlining the importance of the Council provide sufficient detail for independent scrutiny as to financial position. Section 16 of the Statement of Reasons is severely lacking in detail and the Council have not met even the basic requirements in this regard.

It is clear from the above that, even on these limited grounds, the Council has not complied with the Guidance such that both Orders are premature and lack supporting evidence such that they should be refused. Notwithstanding these points, we reserve the right to raise further matters.

Yours faithfully,

A black rectangular redaction box covers the signature. To the right of the box, there is a faint, light blue scribble that appears to be a handwritten mark or the start of a signature.Four lines of text are completely redacted with black rectangular boxes. The first line is the longest, followed by a shorter line, then another long line, and finally a shorter line at the bottom.