



FAO: Inspector: Mr S Dean MA MRTPI
c/o Planning Inspectorate and National
Transportation Casework Unit

your ref
our ref TPB.105856.00001
direct dial [REDACTED]
email [REDACTED]
date 16 July 2024

By email only

Dear Sir

The Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023 and the Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023

At the inquiry it was agreed that the formal closure of the public inquiry would be delayed to allow a written closing to be prepared and submitted and hopefully the completion of agreements with two of the outstanding objectors (recorded in Inquiry Document 8). The deadline for completion of those various matters was helpfully extended by way of email dated 27 June 2024 from the Planning Inspectorate until today to allow for them to be completed.

The Council has today reached agreement with Network Rail Infrastructure Limited / OBJ3 (**Network Rail**), which has resulted in Network Rail withdrawing its objection to the Order.

In respect of the objection raised by WM Morrisons / OBJ1 (**Morrisons**) the Council has not managed to reach an agreement within the allocated time. In summary, heads of terms were agreed with Morrisons for a voluntary agreement. Following this the Council produced first draft legal documentation for Morrisons' solicitors on 18 May 2024. A response was received on the 19 June 2024 that raised a number of issues for the Promoting Authority to consider, though none that are considered to be fundamental points of principle. The Council has since responded to Morrisons on this, and the legal documentation is with Morrison's solicitors to consider.

In respect of the Morrisons objection, the Council has worked hard to meet the concerns, as raised in the original objection letter, and the Council understands that all matters of concern have been met. Unfortunately, it would appear that, although the Council is still pressing Morrisons to react, time may have run out to finalise matters by close of play today. The Council intends to continue to press for the final agreements to be completed and when that is achieved, they will be forwarded directly to the Secretary of State for consideration.

That does mean that the Inspector's consideration will be more difficult. In all probability, the Morrisons objections will be withdrawn as the Council considers there are no fundamental points of principle between the two parties - but at present it has not been, nor can the Council accurately

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state when it will be. The Inspector will therefore need to be aware of that and the Council proposes the Inspector continues with his task in the knowledge of the current situation and reports accordingly with the expectation that the final formal agreement may follow. In any case it should be noted in respect of the Morrisons objection that no specific evidence was presented to the Inquiry beyond that originally submitted to support the objection.

Given that closing remarks follow from the evidence produced at the inquiry that would mean that the closing would be presented to reflect the expectation at that time but would then need to be updated to reflect the current state of affairs. That could be achieved although it would complicate matters.

Accordingly attached to this letter are the documents which show the current position in respect of Morrisons being the latest email chain showing negotiations between solicitors acting for the Council and for Morrisons.

That provides the up-to-date position and the evidence to support it. The Council will issue the closing statement later to reflect the position as at the end of the Inquiry but with a short addendum bringing it up to date.

We hope that assists the Inspector.

Yours faithfully



Trowers & Hamblins LLP

[REDACTED]

From: [REDACTED]
Sent: Friday, 12 July 2024 17:53
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Coalville - Comments on Documents [ES-CLOUD_UK.FID12103525] [TH-THL.FID124444302]
Attachments: Call Option (TH 12_07_24)_THL_167947983_1.DOC; COMPARISON Call Option (TH 12_07_24)_THL_167955659_1.PDF

Hi [REDACTED]

Thank you for your email to Tim, and comments on the documents.

I attach an amended version of the option along with a comparison. I have included drafting comments to explain changes. You'll see that we're not terribly far apart.

My client has queried the inclusion of clauses 12.4.1 to 12.4.3 of the transfer. In order that I/my client can consider that further, please could you confirm the following:

- (i) Whether the property is currently used for access for customers
- (ii) What the specific trading hours are
- (iii) Whether the property is currently used for access for deliveries

Also, please can you provide your client's option to tax and submission receipt?

I'm not expecting much else to change in the transfer, but need to discuss further with my client.

I'm also discussing with my client your comment regarding the licence/lease, so will have to come back separately on that.

The documents are subject to my client's comments generally.

Can you please provide the draft deed of covenant.

I look forward to your comments on the option.

Kind regards

[REDACTED]
[REDACTED]
Associate

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From: [REDACTED]
Sent: Wednesday, June 19, 2024 8:47 PM

To: [REDACTED]
Cc: [REDACTED]

Subject: Coalville - Comments on Documents [ES-CLOUD_UK.FID12103525]

This email originated from outside the firm

Hi [REDACTED]

Hope you're well.

I've now received instructions from my client and attach:

1. Option Agreement in clean and compare;
2. Transfer in clean and compare; and
3. Licence to Occupy in clean and compare (though note, we need to discuss whether this actually needs to be a short term lease as per the comment raised),

Please note, the above are sent subject to any additional comments that Roddy may have from a planning perspective.

I also attach for completeness:

1. Copies of my client's registered title and title plan;
2. A copy of the lease to which the restriction relates. The draft deed of covenant will follow as I'm just identifying the relevant provisions which should be included (frustrating but the lease specifically includes reference to this piece of land).

Look forward to hearing from you.

Many thanks

[REDACTED]

[REDACTED] Real Estate (Leeds) | Eversheds Sutherland

[REDACTED]

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