



FAO [REDACTED]
Director of Law and Governance
Leicestershire County Council
County Hall
Glenfield
Leicester
LE3 8RA

Our Ref: [REDACTED]
Your Ref: [REDACTED]

Date: 25 September 2019

Direct: [REDACTED]
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By post and email [REDACTED]

Dear Sir

**Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road)
Compulsory Purchase Order 2020 ("the CPO")**

**The Leicestershire County Council (A606 North & East Melton Mowbray Distributor
Road) Side Roads Order 2020 ("the SRO")**

Together, referred to as "the Orders"

We act for Western Power Distribution (East Midlands) Plc, whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB.

Please accept this letter as an objection to the Orders on behalf of our client.

Please note that we have also lodged an objection on behalf of our client with the Secretary of State for Business, Energy and Industrial Strategy under Section 16 of the Acquisition of Land Act 1981.

Our client is the licenced electricity distribution company for the area covered by the Orders. To facilitate its statutory obligation to distribute electricity throughout the area, it owns and operates significant electricity apparatus, including over and underground cables, within the land affected by the Orders.

Our client is noted as having an interest in plots: 52, 53, 54, 55, 56, 74, 75, 76, 79, 80, 81, 86, 143, 144 and 145. Our client is currently in the process of undertaking further investigations to establish whether this is correct although our client has instructed us that it may not have any interests in plots 53, 74, 75, 79, 81, 86, 143, 144 and 145. Our client has also confirmed that it has a range of apparatus in a number of other plots, namely: 1, 3, 5, 16, 17, 18, 23, 24, 26, 28, 29, 31, 33, 57, 58, 61, 69, 82, 95, 96, 97, 101, 102, 108, 114, 119, 120, 124, 125, 126, 127, 129, 131, 132, 133, 134, 135, 136, 137, 138, 139. Our client is checking whether it may have any interests in any other plots.

Given the likely impact on the electricity network of the scheme which the Orders is intended to facilitate, our client objects to the Orders on the following grounds:

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1. The Orders and accompanying documents may not fully detail all of our client's interests, rights and the apparatus that would be affected by the implementation of the proposed scheme.
2. The electricity apparatus included within the Order land is vitally important to the electricity distribution networks, which our client is statutorily obliged to supply. Our client has concerns as to the impact of the proposed scheme on these networks and our client's ability to ensure security of electricity supply. This may be the case even where interests are not actually acquired, because there is the potential for the Acquiring Authority's construction activities to impact upon our client's network.
3. The Statement of Reasons, at paragraph 12.13 states that "the equipment and structures owned, operated and controlled by the various Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme in accordance with LCC's responsibilities...LCC will meet its obligations in relation to such matters arising from those various provisions in accordance with specific guidance that applies". It further states, at paragraph 12.18 that "LCC is working with Western Power Distribution (WPD) regarding the design of diversions to enable the Scheme to be constructed. Electricity utilities related works are required across the whole scheme, including at the location of all proposed new roundabouts". However, the scheme does not adequately address or record in any formal or legally binding way how the electricity network operated by our client will be protected both during the construction phase of the scheme and following its completion, nor does it set out the full details of any replacement cables or apparatus that may be required. If WPD's apparatus is not protected via an agreement with the Acquiring Authority, then it could potentially result in a significant negative impact upon the distribution of electricity which our client is statutorily obliged to supply.
4. The SRO provides that where immediately before a length of highway is stopped up in pursuance of that Order there is under, in, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator, then, subject to Section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall have the same rights in respects that apparatus as they had immediately before the stopping up took place. However, we do not consider that the legal position is sufficiently clear that our client's rights will be properly preserved or protected such that it may not be in a position to perform its statutory obligations.
5. The information accompanying the Orders does not provide adequate information for our client to understand fully the design and construction of the scheme and therefore the full extent of the potential operational implications.
6. The information accompanying the Orders does not provide sufficient information for our client to understand how it would continue to fulfil its statutory responsibilities as an electricity distribution company, and to comply with the terms of its distribution licence under the Electricity Act 1989, at all times following the acquisition of its apparatus and interests.

Please note that the above points constitute only our client's initial grounds of objection and our client reserves the right to expand upon or add to these in due course, including in respect of any legal interests or apparatus not identified or referred to in the Orders.

Our client has been and continues to be engaged in discussions with the Acquiring Authority with a view to reaching an agreement to safeguard the ability of our client to carry on its undertaking and comply with its statutory duties. In summary, our client requires an agreement to be entered into with the Acquiring Authority which ensures that:

- (a) Suitable arrangements are put in place with regard to the lifting, diversion, removal and/or replacement of existing electricity cables and lines and other apparatus in a manner that is both safe and maintains security of supply at all times; and
- (b) Replacement of legal property interests and rights are granted to our client which are equivalent to the interests and rights being acquired or affected by the Orders.

The agreement will also need to provide for the costs associated with the above matters to be payable by the Acquiring Authority.

Our client therefore requests that the Secretary of State does not confirm the Orders and that a properly qualified Inspector is appointed to hold a Public Inquiry into the Orders.

We would be grateful if you could acknowledge receipt of this letter.

Yours faithfully

Authorised and signed electronically on behalf of Geldards LLP

Geldards LLP