

17 November 2020



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

Dear Sir/Madam

RE: Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order and Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) (Side Roads) Order 2020

Avison Young is instructed by Jelson Limited (Jelson) to submit on their behalf, objections to the Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order 2020 and the associated Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road (Side Roads) Order 2020.

Jelson requests the opportunity to present these objections together with further supporting evidence and cross examination if required in any examination into the Compulsory Purchase Order (CPO).

Jelson holds interests in plots: 3,7,9, 57 and 58. These interests are proposed to be compulsorily acquired for Leicestershire County Council's proposal to construct a new road, including six roundabouts, from a point on the A606 Nottingham Road at St Bartholomew's Way running for approximately 7.1km to the north and east of Melton Mowbray.

We note that the objection period for the CPO and the Side Roads Order has been extended to 27th November 2020, and this objection is submitted within this timeframe.

Jelson's key matters of objection are summarised below.

Matters of objection:

1) Failure to make substantive attempts to acquire interests by agreement

The Ministry of Housing Communities and Local Government Guidance on Compulsory purchase process and The Crichel Down Rules (the MHCLG Guidance) sets out guidance relevant to all CPOs. Leicestershire County Council's Statement of Reasons for the CPO also explicitly refers to the MHCLG Guidance in the making of their CPO.

The MHCLG Guidance makes clear that an acquiring authority is expected to take reasonable steps to acquire all the land and rights included in a CPO by agreement, with CPO being intended as a last resort.

While section 4 of the acquiring authority's Statement of Reasons refers to taking steps to contact and speak with those likely to be affected by the land acquisition, the acquiring authority has made no attempts to acquire interests by agreement in respect of the land in which our client has an interest. As set out in section 4 of the Statement of Reasons, the acquiring authority has invested considerable resources to develop the scheme over a number of years, including securing a planning permission, demonstrating that there has been a significant time period in developing this scheme. However, despite this, no attempt has been made to acquire the land in which Jelson has an interest. This approach is contrary to the MHCLG Guidance and negotiations should have been carried out.

Consequently, it would be premature to confer compulsory purchase powers on an authority that is yet to make substantive attempts to acquire the interests by agreement.

2) Excessive land take

The CPO should only include the necessary land and rights to deliver the proposed scheme.

The land take proposed is significant and excessive for a single carriageway road. The land take proposed in plots 57 and 58 would appear sufficient to deliver a dual carriageway road, with the proposed road appearing to sit on an embankment with very shallow slopes and excessive width.

We see no engineering reason why the road could not be delivered on an embankment with steeper embankment slopes and thus resulting in significantly less land take,

unless it is Leicestershire County Council's intention to acquire sufficient land in order to enable future dualling of the road without recourse to additional land acquisition.

Should this be Leicestershire County Council's intention, the project's Environmental Statement should take account of the future impact of dualling and the Statement of Reasons should set out the justification for acquiring land to enable future dualling. The documents submitted by Leicestershire County Council in support of its case for the confirmation of the order materially fail to justify the extent of land acquisition proposed.

Excessive land take has a disproportionate and excessive impact on our client's interests. This results in an unnecessarily large loss in productive agricultural land, and loss of land which has future development potential with the capacity to assist in the delivery of much needed homes in the county.

Consequently, there is no compelling case in the public interest for the extent of land take proposed by Leicestershire County Council, for the land take is significantly greater than that required for a single carriageway road.

3) Impact on access to retained land

Retained land adjoining plots 57 and 58 forms productive agricultural land with future development potential. Our client is keen to ensure that the impact on this land is mitigated so far as reasonably possible. As a smaller holding, the land will be less farmable; particularly as the retained portion will be of an irregular shape and crossed by an 11kv overhead power line. It appears likely that this power line will have to be undergrounded as part of the works to deliver the road, and consideration should be given by Leicestershire County Council to undergrounding the cable through the retained land at the same time in order to mitigate the impact of the acquisition on the use and potential of the retained land.

Furthermore, suitable access should always be maintained to the retained land, both during construction and following the opening of the new road, should the CPO be confirmed. In particular, we consider that Leicestershire County Council should deliver a suitable turning head into the retained land as part of the upgrading/widening of Melton Spinney Road in order to provide access for large agricultural machinery and to safeguard future development potential.

Plots 57, 58 and the adjoining retained landholding have significant future development potential. Once delivered, the new road will form a defined boundary to Melton

Mowbray which will be clearly visible and constitute a physical feature that will be readily recognisable and permeant. It will therefore form a logical future settlement boundary.

Consequently, the new road should be delivered with an appropriate buffer to mitigate its impact on future housing in order to ensure good amenity for such homes. The land take proposed is, in our view, significant and excessive as outlined above, yet the buffer and mitigation proposed seems to be designed only for agricultural purposes.

We trust that these objections will be taken into account in making a decision on the CPO and our client reserves the right to put forward further evidence as part of the examination process.

Yours faithfully



For and on behalf of Avison Young (UK) Limited