

**LEICESTERSHIRE COUNTY COUNCIL**

**NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD**

**The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road, Classified Road) Side Roads Order 2020**

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

**Response to Hatton and Lovegrove (DfTObj15)**

**September 2021**

## **1. Grounds of Objection Raised by the Objector**

- 1.1. The stopping up of Lag Lane as public highway as proposed in the Orders is prejudicial to the existing and future access arrangements to the landowner's property with no adequate or reasonably sufficient alternative.
- 1.2. There is insufficient justification for the stopping up of Lag Lane along the section between "K" and "M" in the SRO from which the landowner's property is accessed and therefore there is no compelling reason for the acquisition of the owner's interests in Plot 87.

## **2. Response by Leicestershire County Council**

The Council will respond to both points 1.1 and 1.2 collectively given the connection between the two matters that have been raised.

- 2.1. The Council wishes to thank [REDACTED] Hatton and [REDACTED] Lovegrove for making their objection clear and in particular for setting out the changes sought at paragraph 6 of the objector's Proof of Evidence; however, the Council is not able to accept them.
- 2.2. It is useful to understand the Scheme as brought forward by the Council, including the alterations to Lag Lane, in the context of this objection. The Scheme as described to the Inquiry consists of the distributor road itself and the closure of the Lag Lane between Thorpe Arnold and the B676 Saxby Road. The new NEMMDR will provide enhanced connectivity between the A607 and the B676 Saxby Road which avoids the need to connect, as a public highway open to traffic, the southern end of Lag Lane into the roundabout with the Scheme. The proposal is to stop up Lag Lane from point "K" shown on SRO Plan 5 and for its entire length to the south (up to its intersection with Sawgate Road as shown on SRO Plan 7) and create a new bridleway along its length. Additionally, gating, or a similar form of restriction, will be installed to restrict access for motorised vehicles. A turning head is not required as it is anticipated that the only traffic using Lag Lane will be for accessing private properties, or will be agricultural vehicles which will enter the fields themselves and have no need to turn in the Lane or alternatively consist of non-motorised users. All other larger vehicles would use the new NEMMDR scheme and therefore there should be no other traffic that would need to turn on Lag Lane within Thorpe Arnold. Landowners who may need to use Lag Lane to access their property within the stopped up section of Lag Lane will be granted a private means of access along Lag Lane and access to pass the gate or other form of restriction mentioned previously. Accordingly, the current use of Lag Lane, which is either to access the land or property on the Lane or as a through route, will change from the existing use to essentially a local access only provision with no through provision. All through route traffic will therefore be removed. For

current users which fall within those categories the only change that will occur is for those users that may currently choose to exit Lag Lane to the south would then have to exit to the north and use the NEMMDR to travel to the south. That new route will generally be of a much higher quality, albeit longer, and would result in Lag Lane having far less traffic upon it. All those who exit to the north will continue to do so without change but for a reduction in traffic on Lag Lane.

- 2.3. This Response has been prepared by the Council with input from specific experts. The Council would wish to identify specifically that paragraphs 2.4 to 2.15 are authored by Alison Leeder, BSc (Hons), MSc, MRTPI. Alison Leeder has been appointed by Leicestershire County Council to provide expert planning evidence for the CPO and SRO Public Inquiry. Paragraphs 2.18 to 2.22 are authored by Martyn Glossop, BEng, CEng, MICE. Martyn Glossop has been appointed by Leicestershire County Council to provide expert engineering evidence for the CPO and SRO Public Inquiry.
- 2.4. The Objectors are the registered proprietors of the residential land and property comprising Cedars Wood and adjoining land. We refer to the adjoining land as the 'Adjoining Property'. Cedar Wood is accessed from a private access to the north of point 'K', with the access being unaffected by the NEMMDR.
- 2.5. The Adjoining Property is an open field to the south and east of Cedar Wood, and the east of Lag Lane. The field is accessed from Lag Lane and will continue to be accessed along the same route as previously used, with the only physical change being the addition of a locked bollard or gate. Accesses to fields are commonly through gates and it is considered that the access provided would be 'reasonably convenient' and acceptable. The Objectors would have the right to use the bollard or gate and the road surface will remain as a sealed surface suitable for the Objector's current use of the field. Therefore, the change would not significantly affect or prejudice the current use and is necessary to ensure that no unauthorised use is made of the former highway, which is to become a bridleway with a private means of access.
- 2.6. In paragraph 4.2 of the landowner's Proof they state that the owners aspire to bring forward the Adjoining Property for housing development. The landowners state that this proposal *'is now being actively progressed'*. The Proof then states that: *'The Orders therefore will not only have an unacceptable impact on the Owner' existing use of the Property but also the realistic future use of the Property.'*
- 2.7. Ms Leeder has undertaken a review of planning applications submitted in the last five years along Lag Lane on the Melton Borough Council website. There are a number of planning applications that have been submitted at the existing properties along Lag Lane in the last 5 years, but only one for a new dwelling. In April 2021 a planning

application (21/00143/FUL) was consented for a single dwelling at Land Adjacent to White Gables, Lag Lane, Thorpe Arnold. When constructed the dwelling would be located to the east of point 'K' on the SRO plans. The new dwelling would be accessed off the private access to White Gables to the north of point 'K' so would not be affected by the proposals to install a gate or bollard at point 'K'.

2.8. This review suggests that no planning applications have been submitted for residential development on the Adjoining Property discussed in the landowners' Proof. The Adjoining Property does not have planning permission for residential uses.

2.9. The development plan for the area of the Adjoining Property comprises the Melton Local Plan (October 2018) and the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (June 2018). The site is not allocated for housing development in either plan.

2.10. The Neighbourhood Plan includes a boundary marked as the 'Limits to Development', with a small portion to the northern end of the Property situated within this area and the majority of the Property situated outside it. Figure 1 shows this boundary in red.

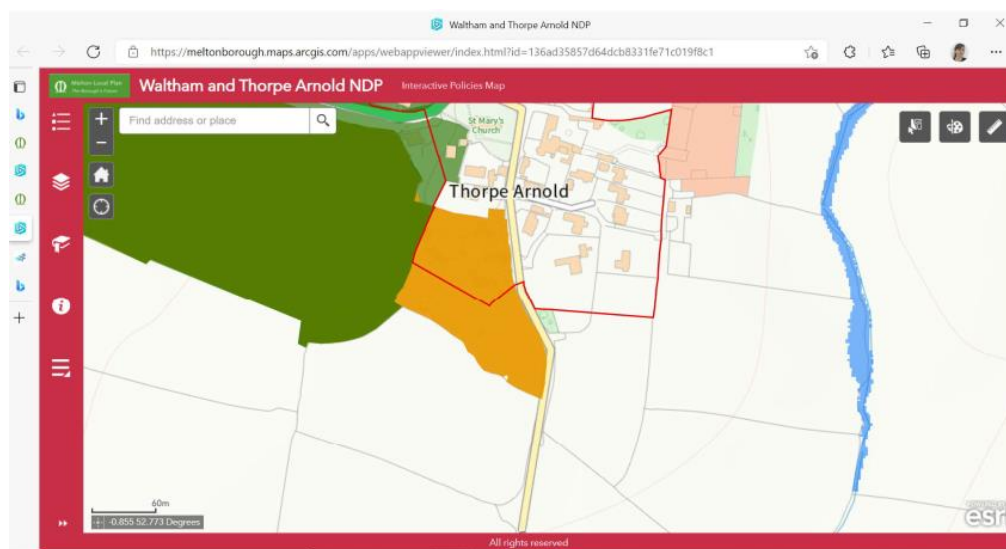


Figure 1 Image from interactive map in the Neighbourhood Plan

2.11. Policy 1 in the Neighbourhood Plan states that:

*'Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development as identified in Figures 3 and 4 where they comply with the policies of this Neighbourhood Plan and subject to design and amenity considerations. Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.'*

*Exceptions will be development essential to the operational requirements of agriculture and forestry; small-scale development for employment, recreation and tourism; development of a site allocated by the Local Plan in accordance with Local Plan aspirations for that site, where reasonably required for the delivery of housing; and any infrastructure requirements in relation to the Melton Mowbray Eastern Distributor Road.'*

- 2.12. The area of the Adjoining Property within the Limits to Development is small and does not border Lag Lane. Given that a new residential development has been consented between this area and Lag Lane, it would not be possible to construct an access to this area directly off Lag Lane without constructing a long access across the area that Policy 1 describes as open countryside. The impact of the access itself would be considered when determining any future planning application. Cedar Wood is owned by the landowners so it is not impossible that an alternative access to this parcel could be through that property, which would avoid the access going through the open countryside and avoid any conflict with the proposed bollard/ fence.
- 2.13. The majority of the Adjoining Property lies outside the Limits to Development and therefore in the open countryside. Given that the site is not allocated in the Melton Local Plan, none of the exceptions listed in Policy 1 would apply. Therefore, residential development in the majority of the Adjoining Property would conflict with Policy 1 in the Neighbourhood Plan and is unlikely to be consented.
- 2.14. Overall, whilst the landowners aspire to develop housing on the Adjoining Property, the site does not have planning permission, is not allocated and is mostly located in the open countryside. There is no guarantee that an application for residential development on any of the Adjoining Property would be consented. If residential development were consented in the area within the Limits to Development, there is not necessarily a need for the access to be off Lag Lane. Given that there is no certainty residential development at the Adjoining Property will ever take place, there is no justification for changes to the NEMMDR proposals to facilitate such a proposal.
- 2.15. In any event the Council is dealing with the current situation and the need to meet its obligations arising therefrom. If a planning application is submitted for residential development in the future, that application would incorporate necessary access arrangements. Should detailed proposals be produced, the Council would discuss them and the potential access options as part of a pre-application enquiry or following submission of a planning application. Options to be considered could include changes at Lag Lane. However, in the absence of detailed information in respect of

any proposal and the significant uncertainty that any proposal would gain planning permission, the Council's current approach is correct.

2.16. Returning to the suggestion of a turning head on Lag Lane and suggestions that the road element could be extended to the South, the Council would indicate the following. First, in respect of the design process, the Council considered providing a turning head at various locations including the location of the proposed gate/bollard at the most northerly point of the stopped-up Lag Lane (point 'K'). The provision of a turning head was also discussed at consultation during the planning stage. Responses received during the planning consultation raised residents' concerns. These included comments that the majority of households on Lag Lane had adequate parking and turning provision. Residents' concerns included the additional land required to provide a turning head, and that a turning head would become a hotspot for fly tipping, trespass and other undesirable activities. The owners of [REDACTED] [REDACTED] [REDACTED] Both of these properties are against the provision of a formal turning head. The current turning area available is sufficient in size to accommodate the turning manoeuvres of a refuse truck. Thus, the option to provide a turning head was not pursued. Correspondence objecting to a turning head includes (full responses at Appendix A):

- [REDACTED], owner of [REDACTED], stated that "Refuse collection vehicles, sewage maintenance vehicles, fire hydrant maintenance vehicles, white van delivery vehicles are all able to use the existing lane without the need for a formal turning point." [REDACTED] continued "...closure of Lag Lane will reduce the considerable through traffic using Lag Lane as a "rat run" between Saxby Rd and the A607, and therefore reduce reversing or meeting traffic events".
- [REDACTED] owner of [REDACTED] stated that the existing turning arrangements were adequate and opposed the provision of a new turning head as it was considered unnecessary and may lead to antisocial use.
- [REDACTED] landowner [REDACTED] raised concerns about the provision of a turning head further to the south, due to the potential for fly-tipping, trespass and other undesirable activity.

2.17. Delivery vehicles accessing Lag Lane generally access from the A607 and return to the A607, turning round at the first available opportunity. For any such traffic the proposed situation where part of Lag Lane is stopped up will remain unchanged from the current situation where a delivery driver will naturally turn round at the first convenient opportunity. It is considered that, any vehicle reaching White Gable and

wishing to turn round will do so at this point, as there is ample turning space. White Gable will become the most southerly property on the cul-de-sac, so there is no reason for any delivery vehicle to progress beyond this point. The gate or bollard demarking the change to a bridleway will be clearly visible from this point. The provision of a turning head further south is unnecessary as it wouldn't be used for its intended purpose. Any such location wouldn't be overlooked by existing dwellings, or traffic accessing them, with the increased likelihood of fly tipping and antisocial behaviour.

- 2.18. The forward visibility from the existing Lag Lane to the proposed gate/bollard at the proposed stopping-up point is good (approximately 90m). Any proposals to move the gate/bollard further south would need to maintain appropriate forward visibility to the proposed barrier. Moving the barrier as requested would reduce the forward visibility to the revised barrier location to 25-30m depending on its precise location.
- 2.19. Surveys (listed as Document (SAD11) in the "List of Documents") have been undertaken to monitor traffic movements in the village and will continue on completion of the scheme.
- 2.20. On balance it is considered that the SRO plans as currently shown present the best overall option for the residents of Thorpe Arnold and provides a safe solution for local road users.
- 2.21. For current users the only change that will occur is for those users that may currently choose to exit Lag Lane to the south would then have to exit to the north and use the NEMMDR to travel to the south. That new route will generally be of a much higher quality albeit longer and would result in Lag Lane having far less traffic upon it. All those who exit to the north will continue to do so without change but for a reduction in traffic on Lag Lane.
- 2.22. Whilst the positioning of a turning head is theoretically feasible, in that it could be engineered at the location proposed in the objector's Proof of Evidence, it is less safe and less desirable than the current Scheme proposals. The location of the proposed LHL turning head and hence the location of a bollard or gate is within a very narrow section of the lane with high, well established hedges, and is not overlooked by traffic accessing existing dwellings on Lag Lane. It is Mr Glossop's professional opinion that this solution should not be implemented, and the proposals should remain as stated within the orders.
- 2.23. The Council notes the offer to transfer at no cost to the County Council the land necessary to provide the proposed turning head and further note that the proposal would not entail additional costs to the County Council. However, the cost of the

acquisition is not the basis of the Council's case, but rather that there are significant disadvantages in providing the proposed turning head where it is not required and particularly in areas where they may be susceptible to misuse and where the location suggested by the Objectors has safety implications arising from the landform, vegetation and specifically the lack of proper sight lines.

2.24. The proposal would reduce the length of the bridleway and disconnect it from the built area.

2.25. The Council is content with the Scheme in the form that it is and is confident that it will meet its intended purpose. There is no need to bring forward either a turning head, which may prove to be disadvantageous, or to amend the length of stopping up and creation of bridleway rights on Lag Lane , especially given the safety implications that it has.



## **APPENDIX A**

### **Planning Responses**

**From:** [REDACTED]  
**Sent:** 09 October 2018 19:05  
**To:** [REDACTED]  
**Subject:** MMDR - White Gable, Lag Lane, Thorpe Arnold.

Thank you for the information and telephone conversation. Now I have the information, I strongly object to your inclusion of our driveway into the red zone. I enclose an attachment with some responses.

#### **Attachment**

#### **MMDR -re [REDACTED], Lag Lane, Thorpe Arnold**

Following receipt of your intimated effect of the MMDR on our property, I make the following comments.

- 1) I see no reason why you should want to include part of our driveway in your plans, and strongly object to its' inclusion in the red Zone.
- 2) In your letter, you state that access to our property would not be restricted and this is noted.
- 3) Construction traffic for the MMDR should not use Lag Lane, Thorpe Arnold which is totally unsuitable with narrow blind bends for such traffic. Construction site access should be from the A607 Melton Rd or Saxby Rd at the proposed roundabouts 4 and 5.
- 4) The majority of households on Lag Lane have adequate parking and/or turning points, and visitors to these households use these options. Refuse collection vehicles, sewage maintenance vehicles, fire hydrant maintenance vehicles, white van delivery vehicles are all able to use the existing lane without the need for a formal turning point.
- 5) Visitors to the Church and Village Hall are encouraged to use the Car Park at the Cemetery, with reminders being issued from time to time.
- 6) The MMDR and closure of Lag Lane will reduce the considerable through traffic using Lag Lane as a "rat run" between Saxby Rd and the A607, and therefore reduce reversing or meeting traffic events.
- 7) If Lag Lane is closed, I would expect several additional road safety warning signs to be positioned on the A607 at Thorpe Hill and near the Cemetery to warn motorists of its' closure in addition to highway signs indicating "No thorough road" to be placed at the junction of the A607 with Lag Lane. You should also consider additional signs to warn of Construction Site traffic).
- 8) If a gate is to be positioned on Lag Lane to only allow NMU use, then this gate should be positioned south of the existing Speed Limit sign and the gateway to Linacre Grange paddock. This gateway will also need to provide suitable wide access for agricultural vehicles requiring access to adjacent land on both sides of the lane. (In addition, we require access for annual hedgecutting at White Gable and Linacre Grange). Over recent years, gates have been installed, then stolen or damaged beyond repair. How will these gates be locked, and who will be responsible for locking these gates ??
- 9) Over the years, Thorpe Arnold Villagers have expressed their deep concerns about road safety particularly at the blind bend and junction of Lag Lane with the A607, and the speed of traffic along Lag Lane. I see no evidence in the MMDR plan that local traffic flow at this Lag lane junction with the A607 will be modified by its' design, so the road safety hazards will remain. Unless there are some design deterrent, A607 traffic between Thorpe Road and Waltham will continue to follow the existing roads – why would drivers on this section drive

extra miles to the Twinlakes roundabout ?? In more recent years, villagers have requested Reduction from 40 to 30 mph speed limits, Vehicle Speed Activated signs, Blue road hump markings, reduction of 30 to 20 mph on Lag Lane but to avail.

[REDACTED]

[REDACTED]

**From:** [REDACTED]

**Sent:** 06 September 2017 10:27

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** [REDACTED]

Dear Mr Jackson

I have received the Melton Mowbray Distributor Road consultation document (Aug 2017) and based on this and the information you have supplied previously I would like to make the following further representations on behalf of [REDACTED] in connection with the proposed recommended route of the Melton Mowbray Eastern Distributor Road (MMEDR):

A. My clients' preferred route for the MMEDR remains Option 2, as referred to on page 10 of the consultation document, for the following main reasons:

1. My clients' home, land and equine business will be significantly affected by the recommended route of the MMEDR (Option 1) because:

- i. The road, which will be in cutting through my clients' land and the proposed roundabout will result in significant proportion of my clients' land being acquired for the scheme;
- ii. The proposed road will run within 140 metres or so of my clients' house and buildings and through land that is grazed by pedigree racehorses;
- iii. The proposed speed limit of 60mph on the section of road through my clients' property and the proximity of roundabouts 4 & 5 will create a high speed road with noisy acceleration and deceleration zones;
- iv. A significant acreage of land will be severed from the remainder of the property which will make running the equine business much more difficult;
- v. My clients' electricity, mains water and surface water drainage services will be severed by the road;
- vi. I understand that lighting is proposed at Roundabout 5 (and others);
- vii. The proposal is for Lag Lane to become a dead end with a turning circle at the end adjacent to my clients' land; this will result in Lag Lane becoming a hotspot for fly-tipping, trespass and other undesirable activity immediately adjacent to my clients' property;
- viii. My clients' property will be significantly devalued by the road.

2. Option 2 would not take any land from my clients;

3. Option 2 would cause much less disturbance to my clients' equine business;

4. Option 2 would be much less intrusive e.g. visibly, audibly, on my clients' property;

5. Option 2 would not depreciate the value of my clients' land home and business as much as Option 1;

B. However, if Option 1 is pursued and without prejudice to our preference for Option 2, then:

1. My clients would like the road, proposed Roundabout 5 and approach roads to located as far to the west as possible so as to minimise land take and impact on my clients' retained land and property;

2. Locating MMEDR Option 1 further to the west will result in less ridge and furrow pasture being lost, will utilise flatter ground for the road and roundabout, reduce hedgerow removal and significantly lessen the amount of soil removal required for the construction of the road;

3. My clients will require a comprehensive package of accommodation works to ensure access and services to their severed parcels of land;

4. My clients will require vehicular access suitable for HGVs from Roundabout 5 into their retained land to the west and east of the proposed road;

5. The new road will need to be fenced from my clients retained land with pressure-creosoted post and four rail fencing with sheep netting to prevent horse and dogs escaping on to the road;
6. My clients' mains electric, surface water drainage and mains water supplies will be severed and will need to be replaced with new services and provision made for sleeving under the new road;
7. Flood mitigation work will be required to ensure that the new road and approach roads are safe to use;
8. There should be no artificial lighting on Roundabout 5 or the road;
9. The speed limit between Roundabouts 4 and 5 should be 40mph not 60mph as proposed to improve safety and to reduce noise and vibration;
10. There should be no lay-byes on the section of road adjacent to my clients' property;
11. Lag Lane should be legally stopped-up (so that is no longer a public highway) where it runs through my clients' property and the metalled surface and associated structures removed and the land returned to agriculture. There should be no turning circle.

Please treat this email as a formal response to the consultation exercise.

Please keep me apprised of developments with the MMEDR and ensure that I am notified of all consultations and opportunities for formal comment on the scheme.

Please can you contact me to arrange a further meeting before the end of the consultation period so that we can discuss our concerns in more detail.

Your sincerely

[REDACTED]

For and on behalf of Fisher German LLP

[REDACTED]

Leicestershire County Council

County Hall

Glenfield

Leics

LE38RA

Attention: Claire Spokes

Planning Officer



8 Nov 2018

Dear Sirs,

**Ref: 2018/Reg3Ma/0182/LCC**

**Melton Mowbray Distributor Road**

I refer to the above and for the details sent to me. Consequently I have the following comments to make concerning this application.

Drawing No 60542201 shows red lines indicating the use of Lag Lane up to the entrance of the village from the Saxby Road as a proposed access to the MMDR during the construction phase with possible turning circles. One of these circles is at the entrance to my property, [REDACTED] and adjoining property [REDACTED]

Lag Lane is a narrow single track minor road used by residents of the village and is signed as a gated road. In recent years, the width of this road has further been restricted by the planting of a hedge along the NW aspect, and coupled with blind bends and a narrow soft verge adjoining a deep ditch would be totally unsuitable for construction traffic. At the moment, there appears to be no requirement for any turning circles, as all properties in the S portion of Lag Lane have adequate turning facilities and delivery vehicles, including refuse collection vehicles are accommodated without the requirement for any other facility.

Additionally, there is a 7 1/2 tonne weight restriction on this lane. Construction traffic should therefore use the main access points from the Saxby Road or A607 proposed roundabouts 4 and 5.

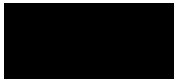
Therefore, I would strongly object to any form of turning circle to be established at the entrance to my property as a) it would be on private land by reference to Land Registry Document Ref LT262858 1996 and would compromise access to my property and would infringe my basic human rights to the status quo of privacy, and would also lead to the deterioration of frontage to my property.

b) If Lag Lane is to be closed to through traffic post MMDR then consideration should be given to the siting of barriers. The southern end of the village terminates just after the entrance to Linacre Grange, and this area would seem to be the most suitable for a barrier, as any further down the lane would become a blind spot, with possible opportunities for fly tipping.

c) Once Lag Lane has been deemed to be closed, adequate signage should be provided on the main A607 road and adjacent to Tollgate House, just before the 90 deg bend around the church to warn oblivious motorists as the road ahead closed situation and to allow them to use the current service road to undertake a reversal manoeuvre.

I trust that these concerns will be taken into account.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.