

National Transport Casework Team
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Our Ref: [REDACTED]
Your Ref: [REDACTED]

Date: 19 November 2020

Direct: [REDACTED]
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By post and email – nationalcasework@dft.gov.uk

Dear Sirs,

The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order 2020 (“the CPO”)

The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Side Roads Order 2020 (“the SRO”)

We act for Framland Farm Limited.

We have been provided with a copy of notification letters dated 8 October 2020 and 11 August 2020 from the acquiring authority, Leicestershire County Council, and are instructed to object to the making of the SRO and CPO (together referred to as “the Orders”). The basis for the objection is as follows:

1. Our client is the freehold owner of Plots 35 – 39 identified within the CPO and has been served notice of the making of the Orders accordingly.
2. Plots 36-39 are required by the Council on a temporary basis only during construction of the scheme. Our client is ready willing and able to enter into licenses to facilitate the acquiring authority’s use of Plots 35-39 and there is accordingly no need for these to be included within the CPO. We understand that the principle of proceeding by way of license has been agreed with the acquiring authority but there is currently no legal certainty that the development will proceed via that mechanism and not via the CPO. The protection of our client’s ability to use its land for ongoing farming or potential strategic development purposes, maximising our client’s land’s potential to fulfil the requirements of national and local planning policies, is a matter of considerable weight.
3. Plot 35 seeks to acquire sufficient land to build a five-arm roundabout, with an access to proposed future development within our client’s site. It has been agreed with the acquiring authority that access to the proposed development on our client’s land is likely to be obtained via alternative means at an alternative location and if this were the case a four arm roundabout without access to our clients site will be sufficient. A revised design to a four-arm roundabout would result in less land being acquired from our client and would increase the extent of land available for either farming or strategic development purposes. We understand that in these circumstances the

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Council is amenable to making an application under section 73 of the Town and Country Planning Act 1990 in respect of its current planning permission for the scheme and to proceed with a four arm roundabout accordingly but there is currently no legal certainty that the Council will do that and reduce the extents of the scheme. The ability to reduce land take from our client to maximise the fulfilment of national and local planning policies whilst still delivering the aims of the scheme is a matter of considerable weight.

4. Our client's current use of all of the Plots is for farming activities and these will continue regardless of whether the proposed strategic development may proceed. A number of accommodation works have been discussed with the Council to ensure that farming activities can continue with the scheme being constructed and in operation ~~in place~~, but there is currently no legal certainty that these works will be delivered as a part of the scheme. The continuation of an efficient and productive farming enterprise accords with national and local planning policies and is a matter of considerable weight.

It should be appreciated that there have been significant, positive and productive discussions with the acquiring authority to date and these will continue notwithstanding our client's objection to the Orders. We anticipate that our client will be able to withdraw its objections once a legally binding and certain mechanism addressing the above matters is completed with the acquiring authority and we will keep the Secretary of State informed in that regard.

For now, we would invite the Council to continue its productive dialogue with our client via its agent, [REDACTED]

Should there be any queries please do not hesitate to contact us.

Yours faithfully

Authorised and signed electronically on behalf of Geldards LLP

Geldards LLP