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Melton Mowbray, Leicestershire, LE14 2SQ

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

BY E MAIL ONLY (nationalcasework@dft.gov.uk)

Our Ref: [REDACTED]

Your Ref: [REDACTED]

27 November 2020

Dear Sirs

LEICESTERSHIRE COUNTY COUNCIL (A606 NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD) COMPULSORY PURCHASE ORDER 2020 ('the Order')
PLOTS: 126 & 127

We act on behalf of The Ernest Cook Trust ('The ECT') in respect to of the aforementioned Order being promoted by Leicestershire County Council.

We confirm that The ECT are the registered freehold owners of the land shown on the Order map as Plots 126 and 127. The ECT is also the freehold owner of land to the east and south of Plot 126 forming part of HMLR titles LT211 791 and LT467232.

Whilst our clients endorse the scheme's ambitions to positively contribute towards Strategic Transport Goal No.6 and the Strategic Outcome set out within the Local Transport Plan 3, and are particularly supportive of the removal of the public motorised vehicle routes along the lengths of both Sawgate Lane and Lag Lane, they wish to formally **object** to the Order on the following grounds:

1. There is no requirement to acquire the freehold interest in Plot 127, as additional rights for the necessary works can be secured by agreement rather than via use of a CPO. The Order should, therefore, be modified so that only rights are acquired.
2. In the event that it is absolutely necessary to secure the freehold and for the authority to use CPO powers to enable the status of public rights over Plot 127 to be altered, then the freehold should be offered back to the current freeholders upon completion of the scheme. Accordingly, Plot 127 should be included in Table 1 of the Statement of Reasons.
3. Under the guidance of Circular 07/2019 [Compulsory Purchase Guidance] an acquiring authority will be expected 'to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement'. 'Compulsory Purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects'. We would consider the Compulsory Purchase Order process to be premature as to date there have been no material attempts to progress negotiations by the Council or their agents.
4. Further to point 3 above, it is our opinion that the proposed Order is also an infringement of our client's human rights under the Human Rights Act 1998. The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupier of the Order land.



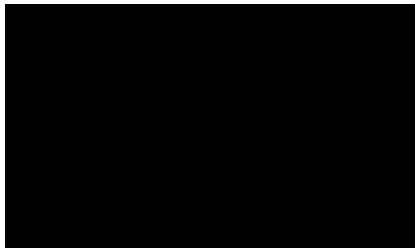
In conclusion, we believe that there is 'no compelling case in the public interest' to acquire the Objector's land, as is required in order to make use of Compulsory Purchase Powers. We would ask that the objection be considered at any Public Inquiry held to assess the merits of the proposed Order. We reserve the right to add to or expand our client's case upon sight of further evidence and information being made available by the acquiring authority.

Finally, as agents for The ECT, I wish to put on record that I feel that Leicestershire County Council has failed in their duty to constructively engage in terms of both access to land for surveys and the acquisition of the Objector's interests. Unfortunately, since 2015, all requests for access have been accompanied by an unwillingness to engage to agree terms, instead the authority has sought at every opportunity to rely upon statutory powers. Regrettably, this has on occasions resulted in delays in obtaining access which could have easily been avoided should terms have been agreed in advance at the outset, as proposed by us and others.

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

Should you require any further information or clarification of the issues raised, please do contact me.

Yours faithfully



For & on behalf of Rural Insight



cc Director of Law and Governance, Leicestershire County Council, County Hall,
Glenfield, Leicester, LE3 8RA – by e mail only 