

Mr and Mrs Holt
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: 15 February 2021
My ref: [REDACTED]
Your ref:
Contact: Andy Jackson
Phone: [REDACTED]
Fax:
Email: [REDACTED]

Dear Mr and Mrs Holt,

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

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

These are referred to either separately as the CPO and the SRO or collectively as the Orders

I write to thank you for your written comments dated the 16th November 2020, which have been forwarded to me, as the Promoters representative, by the Department for Transport following your objection to the above identified Orders. I note from your written comments that you have raised four matters of concern in respect of Leicestershire County Councils proposal to bring forward a bypass to Melton Mowbray. The Scheme, which we have called the North and East Melton Mowbray Distributor Road (the NEMMDR) is intended to enable through traffic to avoid passing through the town and to enable additional residential development to take place to meet the identified needs.

I would wish to take this opportunity to address the four matters which you have raised in your letter so that you can understand the Councils position in respect of them. We would hope that you would then be able to reconsider the matters you have raised to see if you would wish to present them as objections to the Public Inquiry which will be held later this year.

1. Your first objection is regarding [REDACTED], where your concern relates to the inclusion of the Plot despite it not having been discussed with you and further that you cannot understand the basis for its inclusion.

1.1. Plot 100 is highway land and is currently unregistered. As such the legal presumption applies whereby, although the Council as Highway Authority is responsible for the surface of the highway over which the public can pass, the subsoil beneath the

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road foundations is deemed to be owned by the owners of the land on either side in equal parts up to the centre of the road. The Council, in seeking to promote a scheme must ensure that it has access to all the land it needs to permit the scheme to be built and further where the legal presumption applies that includes the subsoil of the existing highway.

1.2. The Council has no record of any discussion with you concerning this specific plot of land but that would not be unusual as it falls beneath the current highway. What the Council can say, however is that it was shown on the draft CPO plan which was sent to you with the [REDACTED] in March 2020 which hope you would have received and examined.

1.3. In addition, there was an exchange of views between you and the Council during the consideration of the Planning Application made in respect of the proposal relating to the visibility issues at the exit from your property onto Saxby Road. As we understand it you were concerned about the adequacy of that arrangement. Accordingly, at the time the original CPO was drawn up that concern was taken on board and an approach was adopted to ensure that it could be dealt with satisfactorily and that required the land to be included. Since that time additional work has been undertaken, which has disclosed that it is possible to achieve the same result for your access arrangements using different powers the Council enjoys without needing to acquire the subsoil of the existing highway.

1.4. Accordingly, we will draft a change to the Orders to remove reference to that plot from [REDACTED]. We intend to inform the Inspector who is to hold the public inquiry accordingly. We would be grateful for confirmation that would remove this as a concern.

2. This relates to [REDACTED] and [REDACTED] which it is suggested the incorrect land ownership detail is shown.

2.1. It would appear that you are looking at this information and seeking to use it for an incorrect purpose. The SRO plans do not seek to show landownership details but rather the proposed works to the highway and any private means of access that has to be accommodated in order to ensure the NEMMDR can be undertaken. As such we do not believe that this is an objection to the Scheme itself or the Orders as drafted.

3. This also relates to the [REDACTED] where you state that an incorrect boundary line is shown which neither accord with the Land Registry Title nor any plans previously supplied.

3.1. Attached to this response marked Plan A is an extract from the S [REDACTED]. Marked on that Plan A in red is the boundary line which we believe you are referring to. That line is a fixed line used by the Ordnance Survey mapping as part of the base layer of information for this area. That OS Mapping provides the base from which the Council draws up its plans to show the Scheme itself. The Council has no control over and no input into that base layer and accordingly the comment you make is not one which the Council can properly address as all such matters would need to be raised with the body responsible for such matters.

3.2. All we would State is that irrespective of that matter, whether it be an error or not, it does not change the Councils intentions. The Council has a clear understanding of the landownership and in arriving at that point we have relied on the information provided by yourselves previously with regard to your property. I would reassure you that the CPO plans are based in the information you have supplied and also any relevant SRO Plan.

4. This matter concerns a request that the speed limit between roundabouts 4 and 5 should be 40mph rather than the proposed 60mph.

4.1. The speed limit to be used in developing the scheme is not a factor that is of direct relevance to the Orders that are now being considered. The intended speed limit was adopted as the appropriate speed and was then built into the design of the scheme prior to any decisions relating to land acquisition. It was therefore taken into account at the planning stage prior to it being granted planning permission. It is the appropriate speed limit for the proposal and the land acquisition now sought reflects that design approach.

4.2. I would however seek to reassure you that the assessments that we have carried out to demonstrate that the new road will work and will carry the traffic flows anticipated at that speed limit. It has been designed to meet the latest standards and also follows the appropriate guidance applicable to road design. In addition, the whole scheme will be subject to a Road Safety Audit to ensure that it can operate safely.

I would hope that this letter addresses the concerns that you have raised and provides you with the information necessary to enable you to formally withdraw your objection. If you would wish to do so, please write to the Department for Transport at the following address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Alternatively, you could send an email to them at [REDACTED] and I would ask you to please copy me in at [REDACTED]

In the meantime, if you have any questions with regard to the above please do not hesitate to contact me. I would be grateful if you could quote the reference [REDACTED]" in future correspondence.

Yours sincerely,

[REDACTED]

Andy Jackson
Senior Engineer (NEMMDR Project Manager)
Asset & Major Programmes Team
Leicestershire County Council

Plan A – Extract from SRO Plan 5 in relation point 3 in the attached letter

