

Mr H Riddle
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]

Date: 09 September 2021

Reference: [REDACTED]

Contact: Adam Lakin

Phone: [REDACTED]

E-mail: [REDACTED]

Dear Mr Riddle,

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

Your client: Mrs Barbara June Barnes and R. A. Barnes & Sons

I write further to your comments dated the 25 November 2020, in respect of the above orders and your ongoing discussions with the North and East Melton Mowbray Distributor Road (“NEMMDR”) project team. As you are aware, Andy Jackson left the role of Project Manager earlier this year. Derek Buchanan has since been installed as Interim Project Manager. My role is to lead and manage matters relating to the Orders. I worked on the project alongside Andy Jackson and so I am aware of the relevant background matters.

I note from your written comments that eight matters of objection have been raised by your clients in respect of Leicestershire County Council’s (“LCC”) proposal to bring forward a bypass to Melton Mowbray. The Scheme itself, which we have called the North and East Melton Mowbray Distributor Road, 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 like to take this opportunity to address the eight matters which have been raised in your letter so that you can understand the Council’s position in respect of them. It is hoped that your clients would then be able to reconsider the matters raised and whether they would wish to present them as objections to the Public Inquiry.

1. It is stated that the diversion of the River Eye is unnecessary for the Scheme and that the powerlines could be undergrounded. Further, your client believes that the realignment of the River Eye would have a detrimental impact on the SSSI.
 - 1.1 The proposed diversion and enhancement work as set out in the planning application and the Statement of Reasons has been discussed with the Environment Agency and Natural England throughout the Scheme's development and agreed with both bodies. In arriving at this proposal, the Council evaluated various options including diverting the powerlines. The diversion of powerlines has significant cost and safety implications and would not deliver the ecological benefit offered by the Scheme's extant planning consent. The Council's approach has been to achieve an enhancement of the River Eye Site of Special Scientific Interest but in any event there is no reason to believe that any adverse consequence will arise.
 - 1.2 By retaining the powerlines, the design reduces the risk to safety. This would be the case in either an overhead or underground diversion. Hazards associated with diverting the powerlines at this location include, working at height, working with electricity, working over water associated with diversion of the powerlines and, additionally in terms of undergrounding, works associated with excavations and groundwater adjacent to the river.
 - 1.3 With regard to the additional comment relating to flood compensation areas, there are none located within your client's land. Flood plans have been shared with you that show the flood impacts of the scheme on your client's land. The plans provided to you in Andy Jackson's email of 23 February show that the majority of land is unaffected to within a -5mm to +5mm difference whilst some areas are beneficially affected.
2. You state that the balancing pond P09, situated within the landowner's property, is highlighted as falling within Flood Zone 3 and that creating the pond in this location may compromise its effectiveness during a flood event.
 - 2.1 The balancing pond has been located at the optimum location and is designed to ensure that flood water will not affect its operation in line with appropriate guidance. The hydrological modelling work submitted to the Environment Agency was conditionally approved at the planning stage. The Council is confident there are no impediments to discharging the conditions. The Council has provided to your client additional information and a flood map with regard to the impacts of flooding on their property. This information demonstrates that the majority of your client's land is unaffected by the Scheme albeit the area around the old river channel is forecast to experience an increase in flood levels.

3. Your client contests the deliverability of the Scheme in terms of programme, cost and in meeting the planning conditions.

3.1 The Statement of Reasons explained the position in respect of the Scheme. It enjoys planning permission and all the planning conditions are capable of being met. Funding from the identified sources mentioned previously is in place for the Scheme and as such there is no basis for rejecting the proposals on that basis. Finally, the programme for completion of the Scheme is drawn up in a form where the Council is confident that it will meet the necessary requirements.

4. You question in your letter the financial and economic viability of the scheme.

4.1 Regarding finance, the scheme has the continued support of LCC's Councillors. At the meeting in March 2020 LCC Cabinet was updated with regard to the estimated scheme cost and agreed that that the Department for Transport be advised that the County Council remains committed to progressing the Scheme. Since March 2020 the Director of Environment and Transport has updated the Cabinet lead for highways as to the scheme costs and this remains the position of LCC. In relation to economic viability, the scheme went through a viability assessment process as part of the development of the Outline Business Case. The outcome of this appraisal of Scheme benefits was a Benefit Cost Ratio (BCR) of 3.12, where a BCR greater than 1 indicates that the benefit outweighs the cost and is therefore justified. A Value for Money Statement is included in the Economic Case of the OBC, as required by the Department for Transport, which confirms that the Scheme is High Value for Money.

5. Your letter states that the use of compulsory purchase is not justified and is unnecessary.

5.1 The approach to the acquisition of land is one where early engagement with landowners is encouraged and that has taken place in this case. There is no requirement that agreement be reached or otherwise before the use of CPO powers is pursued and authorised. Areas shown on the CPO plans are those required to provide the land or other interests needed to enable the Scheme to be built. The basis for the needs for land and rights has been demonstrated in the Statement of Reasons and Statement of Case.

6. The matter of biosecurity during construction is raised.

6.1 The Council understands the sensitivity of issues related to biosecurity and the devastating impacts that it can have on farm livelihoods. The Council is committed to ensuring that the correct processes are in place relating to this, that the contractor fully understands any issues particularly relating to the

Scheme site and that checks are undertaken once construction is underway. Biosecurity requirements will be agreed in the contractor's scope of works.

7. That your client requires access to their land throughout construction.

7.1 Access throughout the construction phase will be maintained. In addition, there is the question of accommodation works which the Council can address. Accommodation works are not matters for the Public Inquiry to consider as they will be the subject of private arrangements with the landowner or occupier as appropriate at a subsequent stage. Permanent accommodation work plans have been shared with the landowner and discussions with the contractor will take place with regard to construction phase access.

8. Your letter states that there is absence of justification, which brings the Human Rights Act into play.

8.1 The consideration of Human Rights is explained in both the Statement of Reasons and in the Statement of Case. Infringement of certain rights is permissible in the context of the promotion of a new road scheme in the public interest. In LCC's view the relevant tests are met.

You will be aware that the Council has recently published proposed modifications to the Orders. All of them are minor matters which do not alter the explanation of or justification for the Scheme as explained in the Statement of Reasons but to ensure accuracy and consistency as well as to address some concerns raised by landowners. This includes the addition on PMA17A for the benefit of the retained lands. The link to the proposed modifications is as follows: <https://www.leicestershire.gov.uk/mmdr>

It has been proposed to acquire plots 107, 108, 112 & 115 and acquire rights over plots 109, 110, 111, 113 & 114 in the CPO. Should agreement not be reached on the implementation of the CPO, the Council will offer back plots 107, 112 & 115 as set out in the published Statement of Reasons, should you client wish to accept them.

For the avoidance of doubt, the statutory rules for assessing compensation for land taken in compulsory purchase cases are set out in section 5 of the Land Compensation Act 1961 and section 7 of the Compulsory purchase act 1965 for the effect of the compulsory purchase on the claimants remaining land.

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

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

Alternatively, if they prefer they could send an email to them at the [REDACTED] [k](#) and I would ask to be please copied in at [REDACTED]

In the meantime, if there are any questions with regard to the above, please do not hesitate to contact me quoting [REDACTED] in any correspondence, whether by letter or email.

Yours sincerely,

[REDACTED]

Adam Lakin
Project Manager
Asset & Major Programmes Team
Leicestershire County Council