

Grant Anderson
[REDACTED]

Date: [REDACTED]
My ref: [REDACTED]
Your ref: [REDACTED]
Contact: Adam Lakin
Phone:
Fax:
Email: [REDACTED]

Dear Grant,

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: Susan Hatton, David Lovegrove and Bryan Lovegrove

I write to thank you for your written comments dated [REDACTED] which have been forwarded to me, as the Promoters representative, by the Department for Transport following your client’s objection to the above identified Orders. I note from your written comments that you have raised three matters of concern in respect of Leicestershire County Council’s 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 three matters which you have raised in your letter to help you to understand the Council’s 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.

Environment and Transport Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RJ

Telephone: 0116 305 0001 Fax: 0116 305 0006 Minicom: 0116 305 0007

Email: etd@leics.gov.uk

Director: Ann Carruthers

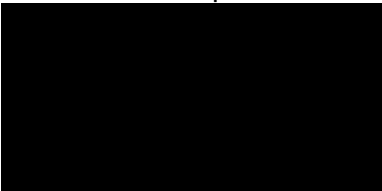
www.leicestershire.gov.uk

1. Your first objection is that the stopping up of Lag Lane is prejudicial to existing and future access arrangements to the Property with no adequate or sufficient alternative arrangement provided.
 - 1.1. Existing access arrangements will be maintained or replaced with alternative reasonably convenient means of access. This meets the Council's obligations in respect of dealing with current access arrangements affected by a new road proposal. This will maintain the necessary access and the Council is not required to go beyond this, or to provide your client with an improved means of access, or an access which your client considers ideal for his future purposes. Indeed, the Council has no power under Section 125 of the Highways Act 1980 to do so, and further this could amount to state aid by deploying public money for private gain.
 - 1.2. Where Lag Lane is stopped up new highway (bridleway) rights will be created, providing a right of way over which the public can pass on foot or horseback and also ride a bicycle. The Council will continue to maintain Lag Lane to a bridleway standard.
 - 1.3. In addition, certain persons, including your client, will require private vehicular access rights over Lag Lane. These rights are set out in the SRO. For clarity the arrangements are included in Appendix A and described below: -
 - 1.3.1. Lag Lane will be stopped up between points K and R in viewport H;
 - 1.3.2. New private means of access will be created between points K and M in viewport I; and
 - 1.3.3. New bridleway will be created between points K, N and P along with a new footpath between points N and O in viewport J.
2. Your second objection is that no sufficient justification for the stopping up of Lag Lane and the compulsory Purchase of Plot 87 has been provided.
 - 2.1. Planning permission has been granted for the Scheme in the form it has, having considered all relevant and material considerations. Its promotion is therefore in the public interest. That consent provides for the new bypass and any alterations to the highway network arising from that Scheme. The approach towards Lag Lane was fully considered during that process and the Scheme as a whole seeks to provide improvement to the road network. The Council is committed through its extant planning consent for the Scheme to introduce the bridleway which will encourage active and sustainable lifestyles and safeguard this right of way for bridleway users.
 - 2.2. The land in Plot Number 87 is highway land, being part of Lag Lane. As part of the Scheme, Lag Lane will cease to form part of the road network and will become a bridleway over which certain persons will also require private vehicular access rights. The change of use of Lag Lane aligns with the strategic plan for the NEMMDR and will prevent inappropriate use of these routes as a 'rat run', whilst promoting sustainable alternative transport.
3. Your third objection is that even if proper justification for the stopping up of Lag Lane is provided, your client does not consider that compulsory purchase of their interests is necessary to facilitate that stopping up.
 - 3.1. 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. Accordingly, acquisition of the freehold title in Plot 87 is necessary.

- 3.2. The Council has no authority under Section 14 of the Highways Act 1980 to 'downgrade' rights associated with a highway. To achieve the new status, the Council must first stop up, which removes the existing highway rights, before creating new highway rights.
- 3.3. The SRO first stops up the highway rights over Lag Lane before creating new highway rights. The land, when freed of its existing highway rights will, in the absence of proof of title, revert to the sub-soil owner up to the mid-point of the existing road, which in this case is your client.
- 3.4. In order to create the new highway (bridleway) set out in the SRO, the land will therefore need to be secured by acquisition for the new highway purpose.
- 3.5. In this case, dedication of highway rights by your client will not be sufficient. This is because certain persons will also require private vehicular access rights over Lag Lane. Dedication of highway rights does not provide a mechanism for securing private means of access for vehicles.

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

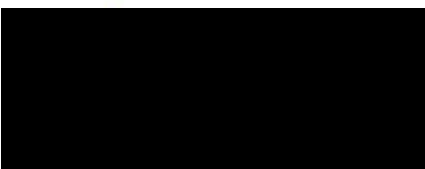
National Transport Case Work Team



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,



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

Appendix A

SIDE ROAD ORDERS PLAN 5A – SECTION PLAN NEMMDR; LAG LANE, THORPE
ARNOLD TO B676 SAXBY ROAD, drawing number [REDACTED]
[REDACTED]

Viewport H
(Thorpe Arnold to Saxby Rd)
HIGHWAY STOPPED UP
Scale 1-1250 @ A1



LAG LANE PT 1

S12(pt.)

S11
(K-R)

SHEET 05

S13(pt.)

CONTINUED ON SHEET 6

LAG LANE PART 2

Viewport I
(Thorpe Arnold to Saxby Rd)
NEW PRIVATE MEANS OF
ACCESS
Scale 1-1250 @ A1



LAG LANE PT 1

15
(K - M)

16(pt.)

SHEET 05

LAG LANE PART 2

CONTINUED ON SHEET 6

LAG LANE PART 2

Viewport J
(Thorpe Arnold to Saxby Rd)
ROUTE OF NEW HIGHWAY
Scale 1-1250 @ A1



LAG LANE PT 1

N7
(K - N - P)
(NEW BRIDLEWAY)

N8
(N - O)
(FOOTPATH LINK)

N9(pt.)

SHEET 05

CONTINUED ON SHEET 6

LAG LANE PART 2



PROJECT

A606 NORTH & EAST MELTON MOWBRAY
DISTRIBUTOR ROAD (NEMMDR)

CLIENT

LEICESTERSHIRE
COUNTY COUNCIL

County Hall, Glenfield
Leicester, LE3 8RA
tel: [REDACTED]
www.leicestershire.gov.uk

CONSULTANT

AECOM

NOTES

- ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
- THIS DRAWING IS BASED ON ORDNANCE SURVEY DATA AND THE COMBINED AECOM AND LCC TOPOGRAPHICAL SURVEY.

KEY

- S+ [Symbol] HIGHWAY TO BE STOPPED UP
- H+ [Symbol] HIGHWAY TO BE IMPROVED
- N+ [Symbol] ROUTE OF NEW HIGHWAY
- X+ [Symbol] PRIVATE MEANS OF ACCESS STOPPED UP
- [Symbol] NEW PRIVATE MEANS OF ACCESS
- [Symbol] EXISTING HIGHWAY BOUNDARY
- [Symbol] PROPOSED HIGHWAY BOUNDARY
- UCR DENOTES UNCLASSIFIED ROAD
- FP. DENOTES PUBLIC FOOTPATH

General notes

Viewports and inserts

Provide a more detailed view at a larger scale.

(pt.) * reference numbers

Denotes that only part of that particular SRO reference length is being shown.

MAP REFERRED TO IN THE LEICESTERSHIRE COUNTY COUNCIL
(A606 NORTH EAST MELTON MOWBRAY DISTRIBUTOR ROAD)
(SIDE ROADS) ORDER 2020
SIDE ROADS ORDER PLAN 5A OF 14 (SECTION PLAN)

CREATED FOR DRAFT SRO NOTICES ISSUE	BM	PL	17/06/20	C01
FINAL CHECK AND APPROVE ISSUE	BM	PL	18/06/20	A1

PROJECT MANAGEMENT INITIALS

DESIGNED: BM CHECKED: PL APPROVED: AJ

INTERNAL PROJECT NUMBER SCALE

60542201 DEPENDENT ON DRAWING

STATUS FINAL

APPROVED STAGE 1 A1

SHEET TITLE

SIDE ROAD ORDERS PLAN 5A - SECTION PLAN
NEMMDR; LAG LANE, THORPE ARNOLD
TO B676 SAXBY ROAD

DRAWING NUMBER REV

[REDACTED] A1