

J.D. Brown MRICS FAAV
[REDACTED]

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

Dear James,

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

Your client: The Ernest Cook Trust (“ECT”)

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 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 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 four 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.

1. Your first objection is that there is no requirement to acquire the freehold interest in Plot 127 as additional rights can be secured by agreement rather than via CPO.
 - 1.1. 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 127 is necessary.
 - 1.2. The land in Plot Number 127 is highway land, being part of Lag Lane and Sawgate Road. As part of the Scheme, Lag Lane and Sawgate Road (west of 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

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access rights. The change of use of Lag Lane and Sawgate Road (west 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.

- 1.3. 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.
 - 1.4. The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road, Classified Road) (Side Roads) Order 2020 ("SRO") first stops up the highway rights over Lag Lane and Sawgate Road (west of Lag Lane) before creating new highway rights. The land when freed of its existing highway rights will revert to the sub-soil owner, which in this case is ECT.
 - 1.5. 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.
 - 1.6. In this case, dedication of highway rights by ECT will not be sufficient. This is because certain persons will also require private vehicular access rights over Lag Lane and Sawgate Road (west of Lag Lane). Dedication of highway rights does not provide a mechanism for securing private means of access for vehicles.
2. Your second objection is that if Plot 127 is required then it should be offered back to the current owners in accordance with the same process for other sites and should be included in Table 1 of the Statement of Reasons.
 - 2.1. Acquisition of the freehold title in Plot 127 is necessary to ensure the Council has access to all the land it needs to permit the scheme to be built.
 - 2.2. Subsequently, the Council requires to retain the title to ensure that appropriate private means of access along the length of Lag Lane and Sawgate Road is provided to all persons entitled to such rights.
 - 2.3. The Council may only consider disposal of the title upon completion of the process outlined in point 2.2 is complete and further that the Council is satisfied that it has met all its statutory obligations.
 3. Your third objection relates to the premature use of Compulsory Purchase Powers, as to date, there has been no material attempts to progress negotiations by the Council or its agents.
 - 3.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
 - 3.2. The Council has engaged with you, the ECT's representative, and remains committed to securing ECT's interests in the land by agreement and are open to negotiation.
 4. Your fourth objection is that, in your opinion, the CPO is an infringement of ECT's human rights under the Human Rights Act 1998.

- 4.1. The European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole”. Both public and private interests must to be taken into account and any interference with a Convention right must be necessary and proportionate.
- 4.2. The implementation of the Scheme would provide significant benefit to the public. Accordingly, the Council has concluded the CPO is appropriate and that the CPO does not constitute unlawful interference with individual rights.
- 4.3. Parties whose interests are acquired pursuant the CPO are entitled to statutory compensation in accordance with the Compensation Code.

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:

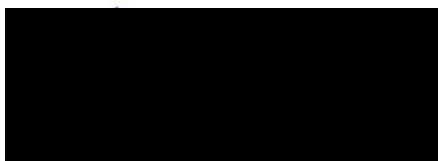
National Transport Case Work Team



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