

LEICESTERSHIRE COUNTY COUNCIL

NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD

The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road, Classified Road) Side Roads Order 2020

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

Response to Mr G. Brooker (DfTObj03)

September 2021

1. Grounds of Objection Raised by the Objector

- 1.1. Failure to provide a turning head on Lag Lane following its closure to through traffic will cause vehicles, particularly larger delivery vehicles, to turn in private driveways or access ways.
- 1.2. That Lag Lane could remain open to vehicular traffic in one direction only.
- 1.3. Mr Brooker did not receive formal notice of the CPO and SRO despite owning a six-acre paddock which impinges on the red line boundary of the development.
- 1.4. That larger vehicles entering Lag Lane will not be able to get out again.
- 1.5. The recent grant of planning consent for a new dwelling and an extension will bring about more deliveries by large vehicles.
- 1.6. Large vehicles using the close is dangerous with children living on the close, and maintenance is the responsibility of the landowners.
- 1.7. Additional signage will help but not solve the problem.
- 1.8. Monitoring post scheme will be too late.

2. Response by Leicestershire County Council

2.1. Response to the failure to provide a turning head.

2.1.1. It is useful to understand the Scheme as brought forward by the Council, including the alterations to Lag Lane, in the context of this objection. The Scheme as described to the Inquiry consists of the distributor road itself and the closure of the Lag Lane between Thorpe Arnold and the B676 Saxby Road. The new NEMMDR will provide enhanced connectivity between the A607 and the B676 Saxby Road which avoids the need to connect, as a public highway open to traffic, the southern end of Lag Lane into the roundabout with the Scheme. The proposal is to stop up Lag Lane from point "K" shown on SRO Plan 5 and for its entire length to the south (up to its intersection with Sawgate Road as shown on SRO Plan 7) and create a new bridleway along its length. Additionally, gating, or a similar form of restriction, will be installed to restrict access for motorised vehicles. A turning head is not required as it is anticipated that the only traffic using Lag Lane will be for accessing private properties, or will be agricultural vehicles which will enter the fields themselves and have no need to turn in the Lane or alternatively consist of non-motorised users. All other larger vehicles would use the new NEMMDR scheme and therefore there should be no other traffic that would need to turn on Lag Lane within Thorpe Arnold.

2.1.2. Landowners who may need to use Lag Lane to access their property within the stopped up section of Lag Lane will be granted a private means of access along Lag Lane and access to pass the gate or other form of restriction mentioned

previously. Larger agricultural vehicles will access the fields from the south, via a gated access from Roundabout 5, preventing the need for such large vehicles travelling through the village or around the sharp bend on Lag Lane adjacent St Mary the Virgin Church. Accordingly, the current use of Lag Lane which is either to access the land or property on the Lane or as a through route, will change from the existing use to essentially a local access only provision to the north of point “K”, with no through provision. All through route traffic will be removed as well as any larger agricultural vehicles. For users accessing the residential dwellings, the only change that will occur is for those that currently choose to exit Lag Lane to the south. These users will have to exit to the north and use the NEMMDR to travel to the south. That new route will generally be of a much higher quality albeit longer. All those who exit to the north will continue to do so without change but for a reduction in traffic on Lag Lane.

2.1.3. The option of a turning head was considered as part of the design process and discussed at consultation during the planning stage. The resulting responses gave rise to a number of residents’ concerns, stating that there was no need for a formal turning head, citing the majority of households on Lag Lane had adequate parking or turning which visitors were able to use. The detail of the concerns raised included additional land that would need to be acquired, the area becoming a hotspot for fly tipping, trespass, and other undesirable activities. Additionally, the area could become a location for parking, potentially obstructing legitimate users of the bridleway and private means of access. Correspondence objecting to a turning head includes (full responses at Appendix A):

- [REDACTED] owner of [REDACTED], stated that “Refuse collection vehicles, sewage maintenance vehicles, fire hydrant maintenance vehicles, white van delivery vehicles are all able to use the existing lane without the need for a formal turning point.” He continued “...closure of Lag Lane will reduce the considerable through traffic using Lag Lane as a “rat run” between Saxby Rd and the A607, and therefore reduce reversing or meeting traffic events”.
- [REDACTED] owner of [REDACTED], stated that the existing turning arrangements were adequate and opposed the provision of a new turning head as it was considered unnecessary and may lead to antisocial use.
- [REDACTED] landowner of [REDACTED], raised concerns about the provision of a turning head further to the south, due to the potential for fly-tipping, trespass and other undesirable activity.

2.1.4. Paragraphs 2.1.5 and 2.2.4 to 2.2.7 were authored by Martyn Glossop, BEng, CEng, MICE. Martyn Glossop has been appointed by Leicestershire County Council to provide expert engineering evidence for the CPO and SRO Public Inquiry.

2.1.5. The forward visibility from the existing Lag Lane to the proposed gate/bollard at the proposed stopping-up point is good (approximately 90m). Any proposals to move the gate/bollard further south would need to maintain appropriate forward visibility to the proposed barrier. Moving the barrier could reduce forward visibility to 25-30m depending on its precise location.

2.1.6. In January 2021, the Council undertook a vehicle behaviour study at two separate driveway locations on Lag Lane to assess turning or access movements, listed as Document SAD11 in the "List of Documents". The survey identified that turning is an existing issue, but one that is not substantial and would in future occur with far less traffic on Lag Lane itself. This was described in the Council's letter sent to Mr Brooker on the 3rd February 2021 in response to his objection, it stated in paragraph 2.5 the following:

"The Council has undertaken a vehicle behaviour study at two separate driveway locations, one of which is your access road, on Lag Lane to assess turning or access movements. The first took place over a 12-hour period on Saturday 9th January [2021], the second over a 12-hour period on Tuesday 12th January.

Of the 80 vehicles that entered Lag Lane on the Saturday [with 59 southbound and 21 northbound] one vehicle made what could be described as a turning movement in your driveway (of under three minutes). On the Tuesday, of 120 vehicles that accessed Lag Lane [with 72 southbound and 48 northbound], two vehicles entered your driveway and left in under three minutes.

Of all the vehicle movements over the two survey days 79 made the journey from one end to the other in under four minutes, suggesting they were using Lag Lane as a "rat-run". Effectively, these 79 vehicles would no longer use Lag Lane in a future scenario where the Scheme is in place and the appropriate mitigations and changes in the form of signage and alterations to sat-nav are in place."

2.1.7. There is no policy or recognised guidance that is directly applicable to the scenario at Lag Lane that would support the need for a turning head.

2.1.8. The situation for large delivery vehicles will remain essentially unchanged as access from the Saxby Road end is severely restricted due to the narrow width of the lane and tight bends prior to reaching the housing. Although access from the A607 is easier than from the south, it is also restricted by the sharp bend on Lag Lane adjacent St Mary the Virgin Church, which is unsuitable for large

vehicles. The likelihood of a large vehicle having to reverse back down Lag Lane will therefore be unchanged. Nevertheless, any vehicle reaching the southern end of Lag Lane which remains open prior to its closure, will then turn around at White Gable, as there is ample turning space. White Gable will become the most southerly property on the cul-de-sac, so there is no reason for any delivery vehicle to progress beyond this point. The gate or bollard demarking the change to a bridleway will be clearly visible from this point. Changing the orders and providing a turning head further south is unnecessary as it wouldn't be used for its intended purpose. Any such location wouldn't be overlooked by existing dwellings or motorists accessing them, with the increased likelihood of fly tipping and antisocial behaviour.

2.2. Response to the proposal that Lag Lane could remain open to vehicular traffic in one direction only.

2.2.1. Considering that the Scheme bypasses Thorpe Arnold and Lag Lane, it is unnecessary to retain an inferior parallel route for public motorised vehicles as the Distributor Road would be open for this purpose. The decision to remove through traffic from Lag Lane and use the route as a bridleway was made clear during the planning process when it was widely recognised as a significant benefit of the scheme. Lag Lane wasn't included within the scheme wide traffic modelling due to its relatively low existing traffic flows,

2.2.2. The stopping up of Lag Lane and the creation of bridleway rights will create a new, attractive, and safe route for use by pedestrians, cyclists, and horses, stretching 2.6km from Thorpe Arnold to Burton Lazars.

2.2.3. Failure to close Lag Lane to through traffic will not achieve the benefits demonstrated in the traffic surveys (listed as Document (SAD11) in the "List of Documents") which indicated that existing through traffic accounted for approximately 40% of movements. These movements would be reduced or eliminated by the Scheme.

2.2.4. The Council should not be introducing additional traffic to a residential route that is of such a low highway standard and potentially hazardous in terms of alignment, drainage and winter maintenance (Lag Lane will not be salted) when the NEMMDR provides a high standard well maintained alternative.

2.2.5. Lag Lane cannot operate as a one-way route as the sharp bend adjacent St Mary the Virgin Church is impassable by large agricultural vehicles. Landowners using such vehicles to gain access to their fields do so from the Saxby Road end of Lag Lane. A one-way through route would also be likely to increase the average

traffic speed, as drivers would know that they wouldn't meet another vehicle coming the other way. This would increase the potential conflict with pedestrians, cyclists and horses, and discourage them from using the route. There is also insufficient width to provide for two-way cyclist / horse use and one directional vehicular traffic.

2.2.6. The location of Roundabout 5 has been determined in extensive discussions with landowners, the Environment Agency and Natural England. Its location is constrained by the proposed River Eye crossing, the location of which was considered in an options report (see core document P18). Considerations within the report include potential diversion of overhead powerlines, programme uncertainty in placing reliance on a third-party diversion and involve hazardous work in completing the diversion.

2.2.7. The connection of Lag Lane for use by through traffic to Roundabout 5 would require an increase in roundabout size. This would increase land take, environmental impact and cost. A larger roundabout wouldn't fit within the current CPO boundary and would require additional planning consent.

2.3. Response to the CPO and SRO noticing.

2.3.1. Mr Brooker was not served notice of the CPO and SRO because he does not own land or rights to be acquired by the Scheme, nor is his private means of access being impacted. Notices were however placed at the Parish Noticeboard on Lag Lane and at other locations near to Mr Brooker's property.

2.4. Response to the entry and exit of vehicles on Lag Lane.

2.4.1. There is no reason to believe that vehicles could enter and not leave. Signs will be erected to indicate that Lag Lane will be a no through road for access only and as such only those accessing property will do so. That may involve larger vehicles making deliveries, but they would be entitled to do so and to turn in access ways to which they are making deliveries. This replicates the current situation as described in Mr Brooker's Proof of Evidence at paragraph 3. Even if a turning head were to be provided, the existing practice may well continue because delivery drivers would naturally turn around at the earliest and probably most convenient location.

2.5. Response to the housing developments on Lag Lane.

2.5.1. Any planning permission would consider access, including the nature of Lag Lane. That is an open road where access is limited to those visiting the location, as there would be no means to proceed further.

2.6. Response to large vehicles using the close, children and maintenance.

2.6.1. The risk to children living on the close will remain the same and responsibility for maintenance of the private driveway will not change, given that access will arise from lawful purposes. The removal of through traffic will create a safer, less hazardous environment, reducing the risk to pedestrians and other users on Lag Lane.

2.7. Response to the provision of signage but that this will not solve the problem.

2.7.1. The Council welcomes Mr Brooker's recognition that the provision of signage will be helpful.

2.7.2. Temporary signage prior to the junction will inform drivers of the changed road layout, with sufficient notice to enable them to take an alternative route.

2.7.3. Permanent signage will be designed in accordance with national guidance and will include "No Through Road" and "Unsuitable for HGVs" signage. This will further deter unsuitable vehicles from using Lag Lane, initially by reinforcing the temporary signage and in the long term providing continued messaging that Lag Lane will no longer be available as a cut through and is not suitable for large vehicles.

2.7.4. The existing 7.5t weight limit restriction signage will be maintained, whilst noting that weight limit restrictions are being reviewed as part of the Melton Mowbray Transport Strategy and that future changes may be made.

2.8. Response to post scheme monitoring.

2.8.1. Post scheme monitoring is standard industry practice and furthermore is a requirement of the DfT funding package. It is not possible to predetermine the outcome of such monitoring.

2.9. Council conclusions on the objections raised.

2.9.1. The Council is content with the Scheme in the form that it is and is confident that it will meet its intended purpose. There is no need to bring forward either a turning head, which may prove to be disadvantageous, or to retain Lag Lane as a through route. Such a connection would require a new planning permission with different consequences and would delay the Scheme itself.

2.9.2. Finally, the Council would wish to draw attention to the limits of the highway as exist for Lag Lane. Mr Brooker has presented a coloured plan with the extent of Lag Lane shown coloured green. An extract from the official County Council plan showing the limits of Lag Lane coloured brown is shown in Figure 1. It can be demonstrated the extent of the highway extends beyond the areas shown by Mr Brooker and in fact it would appear that some areas on the ground along Lag Lane have been excluded from the highway as shown.

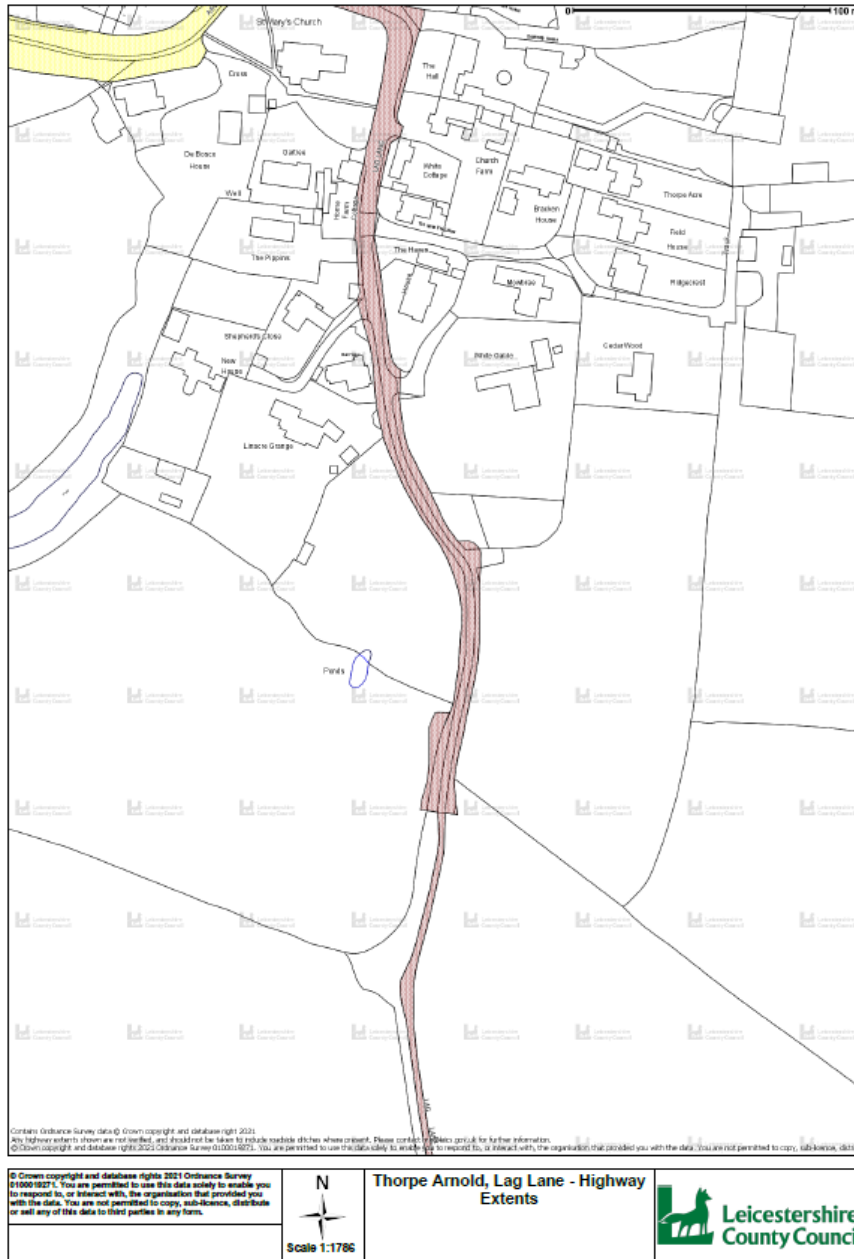


Figure 1 Lag Lane, Thorpe Arnold - Highway Extents

APPENDIX A ■

Planning Responses

From: [REDACTED]
Sent: 09 October 2018 19:05
To: [REDACTED]
Subject: MMDR - White Gable, Lag Lane, Thorpe Arnold.

Thank you for the information and telephone conversation. Now I have the information, I strongly object to your inclusion of our driveway into the red zone. I enclose an attachment with some responses.

Attachment

MMDR -re [REDACTED], Lag Lane, Thorpe Arnold

Following receipt of your intimated effect of the MMDR on our property, I make the following comments.

- 1) I see no reason why you should want to include part of our driveway in your plans, and strongly object to its' inclusion in the red Zone.
- 2) In your letter, you state that access to our property would not be restricted and this is noted.
- 3) Construction traffic for the MMDR should not use Lag Lane, Thorpe Arnold which is totally unsuitable with narrow blind bends for such traffic. Construction site access should be from the A607 Melton Rd or Saxby Rd at the proposed roundabouts 4 and 5.
- 4) The majority of households on Lag Lane have adequate parking and/or turning points, and visitors to these households use these options. Refuse collection vehicles, sewage maintenance vehicles, fire hydrant maintenance vehicles, white van delivery vehicles are all able to use the existing lane without the need for a formal turning point.
- 5) Visitors to the Church and Village Hall are encouraged to use the Car Park at the Cemetery, with reminders being issued from time to time.
- 6) The MMDR and closure of Lag Lane will reduce the considerable through traffic using Lag Lane as a "rat run" between Saxby Rd and the A607, and therefore reduce reversing or meeting traffic events.
- 7) If Lag Lane is closed, I would expect several additional road safety warning signs to be positioned on the A607 at Thorpe Hill and near the Cemetery to warn motorists of its' closure in addition to highway signs indicating "No thorough road" to be placed at the junction of the A607 with Lag Lane. You should also consider additional signs to warn of Construction Site traffic).
- 8) If a gate is to be positioned on Lag Lane to only allow NMU use, then this gate should be positioned south of the existing Speed Limit sign and the gateway to Linacre Grange paddock. This gateway will also need to provide suitable wide access for agricultural vehicles requiring access to adjacent land on both sides of the lane. (In addition, we require access for annual hedgcutting at White Gable and Linacre Grange). Over recent years, gates have been installed, then stolen or damaged beyond repair. How will these gates be locked, and who will be responsible for locking these gates ??
- 9) Over the years, Thorpe Arnold Villagers have expressed their deep concerns about road safety particularly at the blind bend and junction of Lag Lane with the A607, and the speed of traffic along Lag Lane. I see no evidence in the MMDR plan that local traffic flow at this Lag lane junction with the A607 will be modified by its' design, so the road safety hazards will remain. Unless there are some design deterrent, A607 traffic between Thorpe Road and Waltham will continue to follow the existing roads – why would drivers on this section drive

extra miles to the Twinlakes roundabout ?? In more recent years, villagers have requested Reduction from 40 to 30 mph speed limits, Vehicle Speed Activated signs, Blue road hump markings, reduction of 30 to 20 mph on Lag Lane but to avail.

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: 06 September 2017 10:27

To: [REDACTED]

Cc: [REDACTED]

Subject: [REDACTED]

Dear Mr Jackson

I have received the Melton Mowbray Distributor Road consultation document (Aug 2017) and based on this and the information you have supplied previously I would like to make the following further representations on behalf of [REDACTED] in connection with the proposed recommended route of the Melton Mowbray Eastern Distributor Road (MMEDR):

A. My clients' preferred route for the MMEDR remains Option 2, as referred to on page 10 of the consultation document, for the following main reasons:

1. My clients' home, land and equine business will be significantly affected by the recommended route of the MMEDR (Option 1) because:

- i. The road, which will be in cutting through my clients' land and the proposed roundabout will result in significant proportion of my clients' land being acquired for the scheme;
- ii. The proposed road will run within 140 metres or so of my clients' house and buildings and through land that is grazed by pedigree racehorses;
- iii. The proposed speed limit of 60mph on the section of road through my clients' property and the proximity of roundabouts 4 & 5 will create a high speed road with noisy acceleration and deceleration zones;
- iv. A significant acreage of land will be severed from the remainder of the property which will make running the equine business much more difficult;
- v. My clients' electricity, mains water and surface water drainage services will be severed by the road;
- vi. I understand that lighting is proposed at Roundabout 5 (and others);
- vii. The proposal is for Lag Lane to become a dead end with a turning circle at the end adjacent to my clients' land; this will result in Lag Lane becoming a hotspot for fly-tipping, trespass and other undesirable activity immediately adjacent to my clients' property;
- viii. My clients' property will be significantly devalued by the road.

2. Option 2 would not take any land from my clients;

3. Option 2 would cause much less disturbance to my clients' equine business;

4. Option 2 would be much less intrusive e.g. visibly, audibly, on my clients' property;

5. Option 2 would not depreciate the value of my clients' land home and business as much as Option 1;

B. However, if Option 1 is pursued and without prejudice to our preference for Option 2, then:

1. My clients would like the road, proposed Roundabout 5 and approach roads to be located as far to the west as possible so as to minimise land take and impact on my clients' retained land and property;

2. Locating MMEDR Option 1 further to the west will result in less ridge and furrow pasture being lost, will utilise flatter ground for the road and roundabout, reduce hedgerow removal and significantly lessen the amount of soil removal required for the construction of the road;

3. My clients will require a comprehensive package of accommodation works to ensure access and services to their severed parcels of land;

4. My clients will require vehicular access suitable for HGVs from Roundabout 5 into their retained land to the west and east of the proposed road;

5. The new road will need to be fenced from my clients retained land with pressure-creosoted post and four rail fencing with sheep netting to prevent horse and dogs escaping on to the road;
6. My clients' mains electric, surface water drainage and mains water supplies will be severed and will need to be replaced with new services and provision made for sleeving under the new road;
7. Flood mitigation work will be required to ensure that the new road and approach roads are safe to use;
8. There should be no artificial lighting on Roundabout 5 or the road;
9. The speed limit between Roundabouts 4 and 5 should be 40mph not 60mph as proposed to improve safety and to reduce noise and vibration;
10. There should be no lay-byes on the section of road adjacent to my clients' property;
11. Lag Lane should be legally stopped-up (so that is no longer a public highway) where it runs through my clients' property and the metalled surface and associated structures removed and the land returned to agriculture. There should be no turning circle.

Please treat this email as a formal response to the consultation exercise.

Please keep me apprised of developments with the MMEDR and ensure that I am notified of all consultations and opportunities for formal comment on the scheme.

Please can you contact me to arrange a further meeting before the end of the consultation period so that we can discuss our concerns in more detail.

Your sincerely

[REDACTED]

For and on behalf of Fisher German LLP

[REDACTED]

Leicestershire County Council

County Hall

Glenfield

Leics

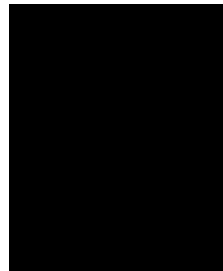
LE38RA

Attention: Claire Spokes

Planning Officer

Environmental & Heritage
Services

12 NOV 2018



8 Nov 2018

Dear Sirs,

Ref: 2018/Reg3Ma/0182/LCC

Melton Mowbray Distributor Road

I refer to the above and for the details sent to me. Consequently I have the following comments to make concerning this application.

Drawing No 60542201 shows red lines indicating the use of Lag Lane up to the entrance of the village from the Saxby Road as a proposed access to the MMDR during the construction phase with possible turning circles. One of these circles is at the entrance to my property, [REDACTED] and adjoining property [REDACTED]

Lag Lane is a narrow single track minor road used by residents of the village and is signed as a gated road. In recent years, the width of this road has further been restricted by the planting of a hedge along the NW aspect, and coupled with blind bends and a narrow soft verge adjoining a deep ditch would be totally unsuitable for construction traffic. At the moment, there appears to be no requirement for any turning circles, as all properties in the S portion of Lag Lane have adequate turning facilities and delivery vehicles, including refuse collection vehicles are accommodated without the requirement for any other facility.

Additionally, there is a 7 1/2 tonne weight restriction on this lane. Construction traffic should therefore use the main access points from the Saxby Road or A607 proposed roundabouts 4 and 5.

Therefore, I would strongly object to any form of turning circle to be established at the entrance to my property as a) it would be on private land by reference to Land Registry Document Ref LT262858 1996 and would compromise access to my property and would infringe my basic human rights to the status quo of privacy, and would also lead to the deterioration of frontage to my property.

b) If Lag Lane is to be closed to through traffic post MMDR then consideration should be given to the siting of barriers. The southern end of the village terminates just after the entrance to Linacre Grange, and this area would seem to be the most suitable for a barrier, as any further down the lane would become a blind spot, with possible opportunities for fly tipping.

c) Once Lag Lane has been deemed to be closed, adequate signage should be provided on the main A607 road and adjacent to Tollgate House, just before the 90 deg bend around the church to warn oblivious motorists as the road ahead closed situation and to allow them to use the current service road to undertake a reversal manoeuvre.

I trust that these concerns will be taken into account.

Yours faithfully,

