

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**

Proof of Evidence No. LCC 1

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Contents

1. Preamble and Summary	3
2. Background	6
3. The Enabling Powers	17
4. Location and Description of the Order Land	18
5. A Description of Land Ownership	21
6. The Need for the Scheme and Development of a Preferred Route to Seek Planning Permission	27
7. The Planning Position	36
8. Description of the Scheme	49
9. Purpose of the Orders	59
10. Need for and Justification for the use of CPO and SRO	62
11. Human Rights	64
12. Special Considerations of the Order Land in Respect of the River Eye SSSI Orders	66
13. Other Special Considerations	69
14. Implementation of the Scheme	76
15. Response to Objections and Representations	80
16. Modifications	114
17. Summary	115
18. Document List	116
19. Appendix A	117
20. Appendix B	119

1. Preamble and Summary Proof of Evidence

- 1.1. My name is Janna Rose Walker. I am Acting Assistant Director for Development and Growth, Highways and Transport, at Leicestershire County Council.
- 1.2. I hold a Bachelor of Laws degree (2:1) from the University of Leicester. I am a member of the Transport Planning Society. I have an Institute of Leadership and Management (ILM) Level 5 Diploma and am PRINCE2 qualified.
- 1.3. I have over 10 years' experience in highways and transport with the majority focused on strategic transport policy and delivery of major capital schemes. I have led the development of several strategic business cases for external funding leading to the successful delivery of schemes including the recently completed A46 Anstey Lane and A512 / M1 J23 schemes, valued at approximately £10m and £27m respectively. I also acted as Senior Responsible Owner for the A512 / M1 J23 scheme.
- 1.4. I have responsibility for the development of transport strategies to support growth such as the Melton Mowbray Transport Strategy, in line with the Melton Mowbray Local Plan.
- 1.5. I manage and ensure value for money across an annual revenue budget of £4.5m and a £20m capital budget with an overall capital programme including maintenance activities rising across the medium-term financial strategy period to over £200m.
- 1.6. I lead and manage a branch of the Environment and Transport Department comprising of approximately 250 staff including the Highways and Transport Commissioning, Network Management, Flood Risk Management, HS2 and Midlands Highway Alliance service areas.
- 1.7. I have been involved with the North and East Melton Mowbray Distributor Road (the "NEMMDR") since April 2021, when I took over the then project leader on his transfer to other matters.
- 1.8. Although I have not been directly involved with the planning application made for the Scheme and the original funding arrangements made by the Council, I am aware of the permissions and agreements in place. I have facilitated the review and sign off of the current funding arrangements with the Department.
- 1.9. My duties include the project management of the delivery of the NEMMDR including the day to day decision making process for the Scheme, finance, programming, third party liaison and other duties as required. I act as the liaison between the

Executive Board for the Scheme and the delivery teams tasked with designing and constructing the NEMMDR.

- 1.10. Although not responsible for the original Statement of Reasons and Statement of Case submitted by the County Council in connection with the promotion of the two Orders listed above I have read both documents and my Proof of Evidence is based on the contents of those two documents and follows the same format. Although some headings may change, and some parts have been altered to bring the information up to date, the general contents remain essentially the same.
- 1.11. My evidence covers the background to the development of the NEMMDR by LCC in close association with the Department of Transport and also the local Council, Melton Mowbray BC. It includes the case for the NEMMDR, it's development and its context in planning policy terms although more detailed planning matters are dealt with by others.
- 1.12. This evidence should be read with the evidence of all the other witnesses called to support the Scheme. These are:
 - Martyn Glossop (LCC 2)
 - Mark Dazeley (LCC 3)
 - Nigel Weir (LCC 4)
 - Alison Leeder (LCC 5)
 - Jonathon Simons (LCC 6)
 - Ian Bentley (LCC 7)
 - Mathew Oakley (LCC 8)
 - Anna Savage (LCC 9)
 - Suzanne Scott (LCC 10)
 - Jack Merry (LCC 11)
 - Ian Davies (LCC 12)
- 1.2. My evidence is presented in support of the case advanced by the County Council in promoting the Orders to enable delivery of the NEMMDR. The broad case for the Council is set out in the Statement of Reasons and the Statement of Case and I am familiar with and endorse the contents of both documents. This evidence explains the Statutory Powers relied upon to justify the acquisition of land and the provision of the necessary changes to the network under the Side Roads Orders. The approach has been to comply with the necessary legal requirements to ensure that all the land that is required to enable the Scheme to be built and to

operate has been included but no more and further that all current rights of Way have been provided for.

- 1.3. There are however matters which I do not address. These relate to matters of law, although the enabling powers have been identified, as these are not matters either for me or for the Inquiry to consider. I also do not address Government Policy, beyond an identification of it where appropriate, as that is not for consideration by the Inquiry. Finally, I do not address accommodation works or matters relating to compensation as they are also beyond the scope of the Inquiry. The Council would however note that although accommodation works are not before the Inspector where it has been possible to adopt a certain course of action, which might normally involve accommodation works, that route has been chosen if it has permitted some concern raised by an objector to be addressed.
- 1.4. The Council is proud of the attempts that have been made to seek to meet with and address matters of concern where that has been possible. That approach, which has been applied consistently across the Scheme, has resulted in some suggestions being accepted by the Council and for measures to be adopted to deal with the concern. That has not been possible in all respects, but the attempt has been made. Such an approach has been followed where the Scheme, as represented by the grant of planning permission has not been brought into question. It is the grant of planning permission which informs and provides the justification for the CPO and the SRO which are before this Inquiry and it is the planning permission which guides the approach.
- 1.5. I can also confirm that whilst considering the Scheme as it moved towards the inquiry it has become clear that there are modifications which need to be made to the Orders themselves. These modifications arise from factors to ensure accuracy and consistency throughout the orders and although many of them are minor in nature they do need to be brought forward. The list of proposed modifications is set out below but in addition I have arranged for it to be placed on the website to ensure that it is widely available and that, should the need rise, it can be added to cover all such matters.
- 1.6. I can confirm that the contents of my proof of evidence are my professional opinion and are true and gained from my own direct knowledge except where indicated.

2. Background

- 2.1 LCC proposes to construct a new road, including six roundabouts, from a point on the A606 Nottingham Road at St Bartholomew's Way running for approximately 7.1km to the north and east of Melton Mowbray to connect with the A606 at Burton Road. The Scheme has the benefit of planning permission.
- 2.2 This Proof of Evidence sets out the reasons for building the Scheme for which planning permission has been granted. It justifies and explains the need for the Compulsory Purchase Order ("CPO") to enable land and any other interests in the land that is not within the ownership or control of LCC to be acquired to permit the works to be carried out. The Order made is the Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order 2020 ("CPO").
- 2.3 In addition to promoting a CPO, LCC has made the Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road, Classified Road) (Side Roads) Order 2020 ("SRO") in order to carry out works to existing highways as well as private means of access that are necessary to enable the Scheme to be built. LCC is considering modifications to the Orders as made and will present a full list to the Inspector. A running list of such proposed changes will be maintained on LCC's website at <https://www.leicestershire.gov.uk/mmdr>.
- 2.4 In that respect LCC has identified that in order to deal appropriately with all of the separate rights of access within the vicinity of the Scheme and to provide for private means of access the SRO is required. The two Orders, when referred to collectively in this Proof of Evidence, will be called the "Orders" (documents related to the orders are listed as *Documents OL1 to OL12* in the "List of Documents"). Otherwise they will be referred to by name or as CPO or SRO as appropriate.
- 2.5 The Orders have been made to enable construction and operation of the Scheme. LCC considers that there is a compelling case in the public interest for the making and confirmation of the Orders to secure the outstanding land and property rights and interests and to enable the Scheme to be built with all such matters described in the Schedules to the Orders and shown on the relevant plans to the Orders.
- 2.6 There are three related matters to mention, the first is in respect of COVID-19, the second the traffic effects following from COVID-19 and the third the business case development. Although the COVID-19 pandemic has existed within the country and

that has had some temporary effect on the extent and movement of traffic, especially during the lockdown periods, it has not changed the long-term expectations in respect of traffic. LCC relies on the contents of and expectations arising from the published and adopted Local Transport Plan as the approach to be followed. LCC is required to undertake further Scheme monitoring and evaluation by the Department for Transport (DfT) as a condition of funding. This is a normal part of the process, which will be undertaken after a decision in respect of the Orders is taken. This is usual in respect of a Scheme funded in part by the Department. It does not alter the approach to the Scheme monitoring, which was set out in the Outline Business Case (OBC) and will be finalised prior to submission of the Full Business Case (FBC). This approach will be subject to ongoing refinement once the Orders are confirmed and prior to the submission of the Full Business Case (FBC) which is required by the Department prior to construction. The work that has been undertaken has led to the development of further and more certain cost estimates for the Scheme. As is usual in the ongoing development of proposals costs become more refined and certain during the progress of the Scheme. Given the nature of such matters and the need to ensure that there is no financial impediment to the Scheme progressing I have arranged for those matters to be updated and I return to this below under the heading of Finance. I can confirm that LCC remains committed to the early provision of the proposals

- 2.7 Congestion in the centre of Melton Mowbray has been a long-standing issue recognised by both LCC and Melton Borough Council (MBC). The current and applicable Local Transport Plan 3 (LTP3) listed as *Document (PPG1)* in the “List of Documents”, states that a Congestion Management Study identified a number of county towns including Melton Mowbray, which suffered from ‘appreciable congestion’, especially at peak times of travel. According to the Leicester and Leicestershire Enterprise Partnership’s 2015 Housing Infrastructure and Planning Group Statement, Melton Mowbray has one of the highest levels of delay per mile of any area in Leicestershire, including the City of Leicester. On the basis of the issues identified, the LTP3 Implementation Plan determined that work must be taken forward to identify and cost a preferred scheme for resolving the congestion issues in the town.
- 2.8 The LTP3 also sets Strategic Transport Goals and Outcomes linked to quality of life and environmental impacts:

- STRATEGIC TRANSPORT GOAL 6 - A transport system that helps to improve the quality of life for our residents and makes Leicestershire a more attractive place to live, work and visit.
- STRATEGIC OUTCOME - The negative impact of our transport system on the environment and individuals is reduced.

The Scheme meets these ambitions by reducing traffic congestion, and its consequential environmental effects, in the centre of Melton Mowbray. The Scheme also aims for a net gain for biodiversity and long-term enhancements for the River Eye Site of Special Scientific Interest (SSSI).

- 2.9 This congestion issue has become increasingly pronounced and is likely to be exacerbated further as a result of additional housing and other growth in or proximate to the town. These trends in traffic growth arise from the ambitions for the town as part of the adopted Melton Local Plan (MLP). The Local Plan is listed as *Document (P1)* in the “List of Documents”.
- 2.10 Section 8 of the MLP recognises that new highway infrastructure is essential to facilitate growth and alleviate congestion in Melton Mowbray and that the then named “MMDR”, subsequently referred to as the NEMMDR, is a crucial element of this strategy. During the examination of the draft MLP, in respect of the whole North and East and Southern Distributor Road route, the inspector concluded that: “The transportation evidence that supports the MMDR, as part of a wider package of integrated proposals in the Melton Mowbray Transport Strategy that would bring significant benefits to the Borough, is comprehensive and convincing.”
- 2.11 Historically, options that have been considered have generally been developed to tackle existing congestion issues, rather than simultaneously focusing on improving network conditions and accommodating and accelerating the high levels of housing and employment growth now proposed for the town.
- 2.12 The Scheme has been developed as the best performing option to overcome existing traffic congestion and traffic-related problems and tackle future traffic issues to enable the town’s growth. The Scheme has been developed from an evidence based and objective led option appraisal process, assessing a range of options across modes with different scales and routes of highway intervention in coming to the final Preferred Route.

- 2.13 An initial assessment of over 60 potential interventions concluded that strategic highways interventions performed as the highest-ranking options and were the only category of options able to provide benefits to both current and future residents.
- 2.14 Further assessment and transport modelling work determined that an outer bypass option provided the greatest level of benefit compared with an inner bypass and, further to this, that a full north and eastern route was convincingly the best option, The Scheme's OBC concluded that:
- “A full Eastern route has the greatest impact and benefits on the key objective of congestion reduction across Melton town centre. Correspondingly it also has the greatest traditional level of transport benefits - being double the size of those associated with its comparator, a full Western option.”*
- 2.15 In value for money terms, the Eastern route was also assessed to be 20% cheaper than a comparative Western route, accentuating the difference between the two routes in traditional transport Benefit Cost Ratio, (BCR) terms.
- 2.16 The Options Assessment Report (OAR) (July 2016), OAR refresh (August 2017), Environmental Constraints Report (February 2017) and OBC, submitted to DfT in support of LCC's application for Large Local Majors funding, are listed as supporting *Documents SAD1 to SAD4* in the “List of Documents”.
- 2.17 This Proof sets out the full particulars of LCC's case for the making and seeking the confirmation of the Orders and also addresses the objections raised in respect of the proposals following the objection period. LCC intends, subject to a decision on the Orders to implement the Scheme at the earliest opportunity and the current programme anticipates construction starting as early in 2022 as the process allows given that the decision on the Orders will be the only factor limiting the start date as LCC was anticipating a commencement in early 2022.
- 2.18 Although this Proof refers to the North and East Melton Mowbray Distributor Road, the Scheme, there are ambitions to achieve further housing development to the south of Melton Mowbray that will see the delivery of a further 3.6km of distributor road between A606 Burton Road and A607 Leicester Road, known as the Southern Distributor Road. Funding has been secured from Homes England for the delivery of the southern distributor road, subject to the signing of a funding agreement. That agreement is in the final stages and signing is expected. As a “housing scheme”, it is the intention that sections of the southern road will be delivered through a

Section 278 agreement with the developers. The Scheme itself has been designed and justified to meet its own needs without preventing the provision of the southern route should that come forward.

- 2.19 It is anticipated that construction of the southern link will begin within the delivery timescales of the Scheme. It is anticipated that the LCC Project Teams will work together to facilitate the highway aspect of the southern development. A strategy is being developed to guide the best route to procurement of design and construction services.
- 2.20 At OBC the traffic modelling work for the north and east proposal included assumptions about the phased introduction of development to the south of Melton Mowbray. The current adjusted BCR of the Scheme as established at OBC is 3.12 (where a BCR of greater than 1 indicates that the benefit outweighs the cost). A Value for Money Statement is included in the Economic Case of the OBC, as required by DfT, which confirms that the north and east proposal is High Value for Money in the most likely core scenario. The Planning Transport Assessment for the north and east proposal is available as part of the submitted planning documentation and is listed as *Document (P2)* in the “List of Documents”.
- 2.21 Further to what is indicated in paragraph 1.7 above the FBC for the Scheme will include the most up to date planning assumptions and traffic forecasts in the assessment of Scheme benefits. The initial FBC forecasting was expected to be completed in summer 2021 but that has now been delayed and will not be undertaken until after the decision on the Orders is known. The full modelling and appraisal work will be completed in time for the submission of the FBC, which was expected to be in the late autumn 2021, but which has also been delayed as a result of the consideration of the Orders.
- 2.22 At 7.1km the length of highway differs from the 6.9km stated in the Outline Business Case (OBC) submitted to the DfT. This arises from certain minor modifications to the alignment between Scalford Road and Melton Spinney Road and at the River Eye. Given the slight change, LCC has undertaken traffic modelling sensitivity tests that include these revisions to ensure it does not alter the underlying case. The revised figures will be used to inform the forthcoming Full Business Case. Given a particularly healthy adjusted BCR of 3.12 at OBC (where a BCR of greater than 1 indicates that the benefit outweighs the cost) it remains LCC’s expectation that the Scheme will continue to represent high value for money.

The updated information in respect of the modelling tests are listed as *Documents (SAD5), (SAD6) and (SAD7)* in the “List of Documents”.

- 2.23 The six roundabouts will be located to connect with the A606 at either end of the scheme and with Scalford Road, Melton Spinney Road, Waltham Road and Saxby Road. The route of the Scheme will pass over the Melton to Peterborough Railway line as well as the dismantled railway that runs north-south between Scalford Road and Melton Spinney Road. The Scheme crosses six Ordinary Watercourses, the largest of which are Scalford Brook, near to the dismantled Railway, and Thorpe Brook to the east of Twinlakes theme park. The Scheme also crosses one Main River, the River Eye to the south of Saxby Road.
- 2.24 The Scheme will include provision for private means of access to be maintained and includes necessary mitigation measures.
- 2.25 On the 1st October 2018 a full application for planning permission to enable the construction of a 7.1km single carriageway road, linking Nottingham Road A606 with Burton Road A606, or the Scheme, was submitted by LCC (application number 2018/1204/06, listed as *Document (P3)* in the “List of Documents”), hereafter the “planning application”. The Report and Supplementary Report to the Development Control and Regulatory Board (May 2019) are listed as *Documents (P4) and (P5)* in the “List of Documents”. The relevant Planning Notice is listed as *Document (P6)* in the “List of Documents”.
- 2.26 The description of development as submitted in the planning application to LCC as planning authority is as follows:

‘North and East Melton Mowbray Distributor Road. New distributor road and 3m shared cycle/ footway around Melton Mowbray from west of A606 Nottingham Road at St Bartholomew’s Way to west of the A606 Burton Road at Sawgate Road including: six new roundabouts; bridges at Scalford Brook, Thorpe Brook, River Eye and the Leicester-Peterborough railway line (to the east of Lag Lane Brentingby Junction); and ancillary development including works to connecting roads, diversion of River Eye, creation of new and enhanced habitats, landscaping, demolition of Sysonby Farm, works to cycleways and footpaths, development of an NMU route along Lag Lane/ Sawgate Road and flood risk/ drainage works (including but not limited to culverts and balancing ponds).’

- 2.27 LCC as County Planning Authority undertook a 30-day public consultation exercise on the planning application, from 16th October to 19th November 2018.
- 2.28 As a result of feedback from the consultation exercise, a small number of minor modifications relating to landscaping, rights of way and ecological mitigations were made to the proposals. An Addendum to the planning application setting out the changes was supplied to LCC Planning Authority on 18 March 2019. An additional 30-day consultation period took place, which concluded on 24th April 2019.
- 2.29 Following a request from LCC Planning Authority, a report of archaeological trenching carried out on the route and an Archaeological Impact Assessment were submitted as a second Addendum to the application. This was followed by a further 30-day consultation which ended on the 21st May 2019.
- 2.30 LCC's Development Control and Regulatory Board resolved on 23rd May 2019 to approve the planning application in accordance with the application and plans submitted and subject to conditions.
- 2.31 In addition to that grant of planning permission, LCC has undertaken other actions both prior to and subsequent to the granting of consent. LCC's Cabinet has made a number of resolutions in relation to the Scheme in order for it to proceed. The first resolution was dated the 9th May 2016 under which the authority was given to undertake the necessary consultation and negotiations to enable a Preferred Route to be identified for an eastern distributor road. In development of the Preferred Route LCC undertook public consultation in October 2017.
- 2.32 At its meeting on the 12th December 2017, the Cabinet noted the outcome of this consultation on a recommended northern and eastern route and the further work that had been undertaken to develop the OBC. The meeting approved the 'recommended route' for further development and consultation with landowners and stakeholders. The Director of Environment and Transport was given delegated powers to agree the Preferred Route for planning and land and interest acquisition purposes in consultation with the Lead Member for Environment and Transport. Cabinet agreed to commit funding to submit the planning application and to carry out all further necessary work to prepare the Scheme for construction, subject to the necessary processes being completed.
- 2.33 Pursuant to the Cabinet decision of the 12th December 2017, the 'Preferred Route' for the Scheme was agreed by the Director of Environment and Transport on the

8th May 2018, following consultation with the Cabinet Lead Member. Following development of a route plan and announcement of the success of the Large Local Majors Funding bid, landowners directly affected by the proposal were informed of the Preferred Route on 8 June 2018. This has been reconfirmed at the meeting on the 7 February 2020 where Cabinet approved the Medium-Term Financial Strategy 2020/21 to 2023/24, reaffirming its commitment to funding the Scheme.

- 2.34 In July 2018 Cabinet authorised the submission of a planning application and that the Orders be made, confirmed and implemented. The Director of Corporate Resources was authorised to sign a Memorandum of Understanding between the County Council and Melton Borough Council, which sets out the financial arrangement for funding the local contribution to the scheme. Discussions with regard to this have progressed and are expected to conclude in the coming months.
- 2.35 Following submission of the planning application, at its meeting on 25 June 2019, Cabinet received a report regarding the granting of planning permission and approved the delivery of the NEMMDR scheme.
- 2.36 At its meeting on 22 November 2019, Cabinet received a report regarding the success of the Housing Infrastructure Fund (HIF) bid for the southern section of the Melton Mowbray Distributor Road (MMDR) and resolved that this funding be accepted, and that Director of Environment and Transport be authorised to take the necessary actions to deliver the MMDR northern, eastern and southern section.
- 2.37 As stated in paragraph 1.16, in July 2018 the Cabinet authorised that the CPO and Side Roads Order be made, confirmed and implemented. At that point in the development of the proposal, it was not known exactly which areas of land these Orders would pertain to, although a preferred route had been identified. The drafting of the CPO and SRO plans was completed in February 2020 and in the interests of clarity these plans were presented to the Cabinet at its meeting on the 24 March, so that they could formally note and approve the requirements, subject to minor amendments.
- 2.38 At the meeting of March 2020, the Cabinet were also presented with a Supplementary Report, highlighting concerns over the commitment to forward funding the MMDR South work in the absence of a Masterplan for the Southern Sustainable Neighbourhood that had yet to be developed by Melton Borough Council. The Cabinet agreed that that the Department for Transport be advised

that the County Council remains committed to progressing further the northern and eastern legs of the Distributor Road, with the intention to maintain the same approach to funding.

- 2.39 The Cabinet reports, Medium Term Financial Strategy Report, the Preferred Route Plan, Preferred Route Lead Member Report and Minutes of the Lead Member Meeting are listed as Documents (SAD8) and DM1 to DM 10.
- 2.40 The final matter to refer to relates to certain limited activities which have been undertaken or are to be undertaken in advance of the consideration and confirmation of the Orders. During the preparation of the Orders documentation, it has become clear that a considerable period of time can be saved from the construction programme if certain matters related to various ecological activities were carried out early. These are matters which generally benefit from being carried out at a given time within the year to either minimise harm and disturbance or make it easier to undertake or where the ultimate success of the project is better achieved. In this case there are four matters where that advantage can be achieved and LCC has instructed its consultants, that subject to specific agreement with all landowners affected by the activity and subject to any relevant licensing, it is wise to make provision and to undertake early works.
- 2.41 That approach does not pre-judge the outcome of the Orders as the activity is relatively low key and will be beneficial in any event. Further it will only be carried out if all consents are in place. It is necessary to update the position in respect of some of the four matters listed in the following paragraph. In order to avoid confusion, I set out what was indicated in the Statement of Case and then update the position thereafter.
- 2.42 The four activities are:
- i. To build a pond to allow for migration of and use by newts.
 - ii. The relocation of a Badger Sett limited at this stage to building the replacement Sett with transfer to take place at some later stage. LCC will not be making the location of that Sett public.
 - iii. To undertake additional Water Vole surveys. Water vole surveys were undertaken prior to the planning submission back in October 2018. As part of a Planning Condition the Scheme was asked that further water vole surveys were included as part of the package of pre-construction ecological surveys. If

evidence of Water Voles is discovered, then work will be carried out under licence to relocate them.

- iv. The relocation under licence of bats discovered in structures within the scheme site to be demolished and the demolition of those structures. In the Statement of Case we indicated the structures to be demolished as the disused Sysonby Farm buildings and the rail bridge along the dismantled railway. The position now is that only the disused Sysonby Farm buildings will be demolished.

Publicising the Orders During the Outbreak of COVID-19

- 2.43 During the period that the Orders in respect of the Scheme have been developed there has been an outbreak of the COVID-19 virus and Government has introduced restrictions to normal operating procedures. LCC has been following that Government advice and has been undertaking remote working. That has not altered the arrangements for the development of the Orders, and it did not alter the immediate consideration of them following publication. Within the Statement of Reasons, LCC indicated that information would be published and made available that would ensure affected landowners and those with interests to be acquired will be contacted directly. In respect of the Orders themselves they were published in the normal fashion with all information being available on LCC's website. In addition, where the indication was given as to how anyone wishing to examine any information could do so LCC carried out the following to ensure maximum availability.
- 2.44 It has been ensured that all the documentation is on the LCC website. For those not able to use the internet to access that information or those who may wish to raise questions they were able to telephone 0116 305 0001 or email mmdr@leics.gov.uk and seek the advice from the project manager for the Scheme or from a member of the team.
- 2.45 DfT issued guidance in relation to advertising Compulsory Purchase Orders during the COVID-19 outbreak. This guidance is available at <https://www.gov.uk/guidance/coronavirus-covid-19-compulsory-purchase-guidance> (listed as *Document (PPG2)* in the "List of Documents") and LCC took the following steps. It was indicated that local newspapers were continuing to publish online and in hard copy during the outbreak and they were used to publicise the orders. In addition to this, other media sources were employed by LCC to publicise the Orders, including the Scheme's webpages, an emailed Bulletin

(Bulletin 9, August 2020 and Bulletin 10, October 2020) and an email message to LCC's consultation list. Notices were posted on site, whilst following Public Health England's guidance with regard to social distancing and activity specific risk assessment. The Notices were sent to relevant parish councils for placing on council notice boards. Deposit documents were located at MBC and LCC receptions, with COVID-19 secure arrangement procedures in place for member of the public who wanted to examine hardcopies of the documentation. Measures were taken to ensure the continued safety of staff and the public in these circumstances.

- 2.46 In respect of landowners and others directly affected, LCC have continued to contact by email, post and telephone calls. LCC undertook a notification process under Section 5A of the Acquisition of Land Act 1981, which drew responses directly from some of those. The contact with the statutory undertakers has continued throughout the period of COVID-19 lockdown and will continue to do so.

3. The Enabling Powers

- 3.1 The Highways Act 1980 (listed as *Document (PPG3)* in the “List of Documents”) empowers LCC to acquire land compulsorily which it requires to construct and improve a highway. Relevant Statutes that LCC may refer to are included in the deposited documents the locations of which are described at Chapter 16.
- 3.2 Section 239 of the 1980 Act enables LCC as the Highway Authority for the area to “acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense”, as well as any land required for the improvement of a highway.
- 3.3 Section 240 of the 1980 Act provides that LCC as Highway Authority may acquire land required for the use in connection with construction or improvement of a highway.
- 3.4 Section 246 of the 1980 Act allows LCC to acquire land for the purpose of mitigating any adverse effect that the existence or use of the highway may have on its surroundings.
- 3.5 Section 250 of the 1980 Act allows LCC as the acquiring authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- 3.6 Section 260 of the 1980 Act allows LCC to override restrictive covenants and third-party rights where land acquired by agreement is included in a compulsory purchase order.
- 3.7 Section 14 of the 1980 Act authorises LCC as the Highway Authority to stop up, divert, improve or otherwise deal with a highway that crosses or enters the route of the road to be provided.
- 3.8 Section 125 of the 1980 Act empowers LCC to deal with any private means of access affected by the new road including the provision of a new means of access.
- 3.9 The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable LCC, using the powers it holds as a Highway Authority to provide the Scheme that would meet its statutory purposes.

Although the Scheme crosses a Main River there is no need for a bridge scheme under the Act as the river is not navigable.

4. Location and Description of the Order Land

4.1 The Order Land lies to the north and east of the town of Melton Mowbray, in the Borough of Melton, Leicestershire, detailed drawings of the scheme, listed as *Document (SAD9)* in the “List of Documents”, can be viewed online or, where the current outbreak of COVID-19, allows at the offices of:

- LCC, telephone 0116 305 0001 during normal office hours to arrange an appointment.
- Melton Borough Council, telephone 01664 502502 during normal office hours to arrange an appointment.

Where public buildings are closed due to the COVID-19 outbreak, the approach set out above will apply.

4.2 Over 95% of the area within the planning red line boundary is agricultural land. The fields within the red line are cultivated with a mix of arable and pastoral agriculture (cattle and sheep) with some equestrian usage. The field boundaries are mainly mature and maintained hedgerows, with occasional hedgerow trees. There are also some fenced boundaries. The remainder of the red line boundary comprises existing highways, Non-Motorised User (NMU) routes, business use land, domestic residential land, watercourses and abandoned farm buildings, that are part of Sysonby Farm.

4.3 The route of the proposed development extends between the A606 Nottingham Road to the north-west of Melton Mowbray and A606 Burton Road to the south-east and crosses arterial roads: Scalford Road, Melton Spinney Road, A607 Waltham Road and the B676 Saxby Road. The route also severs Lag Lane, an unclassified road that runs south from the village of Thorpe Arnold and which links with Sawgate Road as it approaches the village of Burton Lazars.

4.4 The Scheme crosses a dismantled railway that runs north/south between Scalford Road and Melton Spinney Road, adjacent to the Scalford Brook.

4.5 Twinlakes Theme Park is located to the north east of the route alignment near to the proposed new roundabout junction with Melton Spinney Road. Approximately 19,842m² of Theme Park land is required to enable the construction of the scheme. Approximately 50% of this land may be capable of being offered back to the landowner on completion of construction.

- 4.6 The route rises to cross the Leicester to Peterborough railway line to the south of Saxby Road.
- 4.7 In addition to drainage ditches the road alignment either directly crosses or is within 1km of the following Main Rivers and Ordinary Watercourses:
- River Eye (Main River) Site of Special Scientific Interest: to be crossed by the Scheme south of the existing Lag Lane and Saxby Road junction (approximate chainage CH4850-CH5030). The former Melton to Oakham Canal (now filled in) is located close to the path of the River Eye;
 - Scalford Brook (Ordinary Watercourse): to be crossed by the Scheme north of Melton Country Park (approximate chainage CH2000);
 - Thorpe Brook (Ordinary Watercourse): to be crossed by the Scheme south of Twinlakes Park (approximate chainage 3250);
 - Burton Brook (Ordinary Watercourse): which is not crossed or culverted but is located within 800 m of the proposed development to the southeast;
 - Four other more minor Ordinary Watercourses: three of which will need to be crossed (approximate chainages CH230, CH720 and CH3950) and one adjacent to the proposed route.
- 4.8 The Scheme boundary includes the Local Wildlife Site at Nottingham Road Hedgerows. The Scheme lies in relatively close proximity to the Local Wildlife Sites at Melton Country Park (275 m south of the proposed road between Scalford Road and Melton Spinney Road and 77 m south of the red line boundary) and Scalford Brook (approximately 220 m north of the Scheme).
- 4.9 A very small part of the planning red line boundary is within the Melton Country Park designation, but not the area owned by the Country Park or the area of the Local Wildlife Site.
- 4.10 Eleven listed buildings are located within the 1km Scheme study area, located in Thorpe Arnold, Burton Lazars, north-west of Melton Mowbray and the urban area of Melton Mowbray itself.
- 4.11 There are undesignated heritage assets and areas of archaeological potential within the site and surrounding area as would be expected with a Scheme of this size.

- 4.12 From a relative high point at the A606 Nottingham Road (CH0) the topography of the land slopes down to the east and progresses over undulating farmland to a peak just west of Scalford Road. The route continues to undulate in a steadily decreasing trend to the River Eye at (CH5000). From the river the route climbs consistently to join the A606 Burton Road in the south (CH7120). The land generally rises steeply away from the watercourses, including Scalford Brook adjacent to the dismantled railway and Thorpe Brook, located at the approximate halfway point between Melton Spinney Road and Waltham Road.
- 4.13 The road is proposed to pass through and over a number of cuttings and embankments. These range from a cutting of maximum height (due to sloping topography) of 15.00m at CH2300 to a 10.50m high embankment at CH5500. The largest cutting is located between the dismantled railway and Melton Spinney Road, while the largest embankment forms the approach to the rail crossing to the south of Saxby Road.

5. A Description of Land Ownership

- 5.1 The Order Land, being the land and interests and new rights over land proposed to be acquired compulsorily pursuant to the CPO constitutes approximately 137 hectares of land. Other than for land within the existing highway boundaries and farmland already owned by LCC, the land it requires for the scheme to be built has not yet been acquired; although LCC has been in discussion with the owners and occupiers of the land affected. LCC owns land known as Sysonby Farm to the east of Nottingham Road.
- 5.2 The Order Land is in 50 known ownerships with the majority of land being in agricultural use with some highway, river and railway land. Full details of the Order Land appear in the Schedule to the Order. All land ownership information has been obtained from the inspection of the Land Registry title documents and information provided by owners and occupiers following service of requests by LCC under the relevant powers.
- 5.3 Details of the interests to be acquired and land over which rights are to be acquired are more particularly described in the Schedule annexed to the CPO. These include areas where land is required to enable construction to take place but where land, or part of it, may be capable of being offered back to the owners on completion of the works. The areas are set out in Table 1 below. The Table identifies each plot by number and the purpose for which the land is required.
- 5.4 Table 1 was produced in the Statement of Case and it has been updated by my evidence. The table in my evidence represents the current and most accurate position.
- 5.5 Where there is certainty that plots will not be required in the longer term or where the nature of the land is unlikely to be change significantly, for example the soil storage areas and shorter-term construction access, then they have been included as a blue, rights plots.

Table 1 Areas required for construction work which may be capable of being offered back to the owners.

Sheet/Plot number(s)	Location	Purpose for which freehold title is essential
Sheet 2		
37	Land at dismantled railway	Area necessary for construction
38	Land to west of dismantled railway	Area necessary for construction
39	Land at dismantled railway	Area necessary for construction
40	Land to west of dismantled railway	Area necessary for construction
42	Land to west of dismantled railway	Area necessary for construction
43	Land east of Scalford Brook	Area necessary for construction
Sheet 3		
47	Land east of Scalford Brook	Area necessary for construction
50	Land west of Melton Spinney Road	Area necessary for construction
52 Part of	All land outside of Highway Boundary. Bridleway embankments to stay in LCC ownership but outside of HWB (approximately 4500 m ²)	Area necessary for construction
Sheet 4		
58	Land south of Twinlakes theme park	Area necessary for construction
60 Part of	Land north of the village of Thorpe Arnold. Footpath E25 south of Thorpe Brook Bridge	Area required for construction. Creation of new bridleway.

61	Land north of the village of Thorpe Arnold (approximately 1550m ²)	Area required for construction. creation of new bridleway.
62	Land south-east of Twinlakes theme park	Area necessary for construction.
63	Land south-east of Twinlakes theme park	Area necessary for construction.
Sheet 5		
70	Drainage outfall land east of the village of Thorpe Arnold and south of Waltham Road adjacent to rights plots 71 and 72.	Area necessary for construction.
74	Land east of the village of Thorpe Arnold and south of Waltham Road adjacent to rights plots 71,72 and 75.	Area necessary for construction.
76 Part of	Land east of the village of Thorpe Arnold and south of Waltham Road adjacent to Rights plot 80. (approximately 220m ²)	Area necessary for construction.
77	Land east of the village of Thorpe Arnold and south of Waltham Road	Access exclusion zone for ecological mitigation
79	Land east of the village of Thorpe Arnold and south of Waltham Road	Area necessary for construction for ecological mitigation
82 Part of	Land outside of highway to the north of B576 Saxby Road and east of Lag Lane (approximately 1250m ²)	Area necessary for construction

95	Land outside of highway boundary south of B576 Saxby Road and west of Lag Lane. (approximately 40000m ²)	Area necessary for construction
Sheet 6		
107	Land south of Saxby Road and West of Lag Lane	Area necessary for construction
108 Part of	Land south of Saxby Road and West of Lag Lane. (approximately 250m ²)	Area necessary for construction.
112	Land north of Melton to Peterborough Railway and west of Lag lane	Area necessary for construction and materials compound
115	Land north of Melton to Peterborough Railway and west of Lag lane	Area necessary for construction.
116	Land north of Melton to Peterborough Railway and east of Lag lane	Area necessary for construction.
119	Land south of Melton to Peterborough railway and west of Lag Lane.	Area necessary for construction.
121 Part of	Land south of Melton to Peterborough railway and east of Lag Lane. (approximately 400m ²)	Area necessary for construction.
123	Land south of Melton to Peterborough railway and west of Lag Lane.	Area necessary for construction

124	Land south of Melton to Peterborough railway and west of Lag Lane.	Area necessary for construction
Sheet 7		
129 Part of	Footpath E1 from edge of highway (approximately 1200m ²)	Area necessary for construction.
130	Land north of Sawgate Road and east of E1 Jubilee Way	Area necessary for construction.
132	Land north of Sawgate Road and west of Lag Lane.	Area necessary for construction.
133	Land north of Sawgate Road	Site Compound

- 5.6 Throughout the development of the Scheme LCC has taken steps to contact and speak with those likely to be affected by the land acquisition necessary for the Scheme to be built. The details of parties with interest in land impacted by the Scheme have been obtained through land registry titles where available. Where land is not registered, information has been sought through discussion with known local landowners or through the placement of notices on site. Section 16 Notices (Local Government (Miscellaneous Provisions) Act 1976) were sent to landowners in 2017 in order to establish information about the ownership and other interests of land. Prior to the making of The Orders, Section 5 notices under the Planning and Compulsory Purchase Act 2004 were made to further verify the information regarding landownership and land interests.
- 5.7 A key principle of communication during the development of the Scheme has been meeting face to face with landowners and residents in order to discuss any concerns and consider possible solutions at an early stage. These meetings have been supported by other methods of communications.
- 5.8 Press releases have been an important vehicle for engagement with the wider audience for the Scheme and for attracting local printed media interest and articles online, including on local news/national construction websites. Press releases have been issued at key milestones for the scheme development as listed below:

- Start of design work / DfT Business Case Funding announcement
 - Start of consultation
 - During consultation – Public Exhibitions
 - OBC submission
 - Announcement of DfT funding awarded
 - Announcement of the Preferred Route
 - Outcome of determination of the planning application
- 5.9 This has resulted in significant TV, online and print coverage. Live TV interviews took place in Melton the day after the announcement of funding from DfT. A local Councillor was also interviewed by BBC Radio Leicester and the Melton Times. There was also a strong Scheme presence on social media.
- 5.10 In addition to the above, between July 2017 and May 2019, ten Bulletins (listed as *Documents CC1 to CC10* in the “List of Documents”) were emailed and posted to residents and stakeholders to provide updates at key stages of the Scheme’s development.
- 5.11 Scheme information has been made publicly available via a dedicated webpage, www.leicestershire.gov.uk/mmdr
- 5.12 Section 5 of this Statement discusses formal consultation through the development of the Preferred Route.

6. The Need for the Scheme and Development of a Preferred Route to Seek Planning Permission

- 6.1 Congestion in the centre of Melton Mowbray has been a long-standing issue recognised by both LCC and Melton Borough Council (MBC). This congestion issue has become increasingly pronounced with traffic growth and is likely to be exacerbated further, both in terms of recent trends in traffic growth, and in light of the significant levels of additional residents, attracted by proposed housing and related employment development, planned for the town as a result of additional housing and other growth in the town. These trends in traffic growth arise from the ambitions for the town as part of the adopted Melton Local Plan (MLP).
- 6.2 The position with regard to the MLP and the Examination in Public has been stated in paragraph 1.24 above.
- 6.3 The Scheme proposal aligns with growth areas identified in the Strategic Growth Plan Leicester and Leicestershire (Listed as *Document (PPG4)* in the “List of Documents”), the “SGP”:
- Melton Mowbray is identified as a ‘Key Centre for Regeneration and Growth’;
 - The SGP recognises that significant new development cannot be accommodated within Leicestershire without significant investment in infrastructure services, including transport. This is necessary to unlock strategic scale sites and to help mitigate the impacts of future growth on Leicester’s and Leicestershire’s transport networks, for example in terms of traffic congestion.
- 6.4 The LTP3 supports the development of a scheme that addresses congestion in the town as stated in paragraph 1.8 of this Statement.
- 6.5 The LTP3 Strategy provides objectives to improve air quality such as encouraging active and sustainable travel and managing the movement of freight and tackling congestion. The County has set a quality of life indicator (KPI7) to reduce total CO2 emissions from road transport within the area.
- 6.6 The LTP3 focuses on the delivery of transport schemes that will facilitate growth and one of the long-term priorities of LTP3 is to support the economy and population growth through ‘more consistent, predictable and reliable journey times for people and goods’ (LTP3 Second Implementation Plan, para 1.24). The LTP3 Second Implementation Plan (2015/2016) includes actions to take forward work to

identify and cost a preferred scheme to address transport problems in Melton Mowbray.

- 6.7 The DfT's Single Departmental Plan (listed as *Document (PPG5)* in the "List of Documents") sets out the Government's strategic objectives to 2020 and the plans developed for achieving them. Objective 2 of this Plan is to "Help connect people and places, balancing investment across the country". It goes on to state that will be achieved in part by "funding over 40 local authority major projects across the country by 2020-21 – improving capacity on local networks, cutting congestion and boosting economic growth".
- 6.8 In delivery of this aim, the DfT's Large Local Major funding stream supports large, potentially transformative local schemes that are too big to be otherwise taken forward within regular local growth scheme allocations. As part of its application to the Large Local Majors Fund in December 2017 LCC submitted the OBC to DfT for £49.5m towards the Scheme.
- 6.9 The Preferred Route that formed the Scheme for submission in the planning application was developed from an evidence and objective-led option identification process using the Leicester and Leicestershire Integrated Transport Model (LLITM) to model impacts, which assessed a range of options across travel modes, and examined different scales and routes of highway intervention.
- 6.10 The options assessment included examination of initially over 60 different interventions. Following the confirmation that an outer bypass would achieve the greatest level of benefits more detailed assessment took place examining four outer distributor road options:
- A Full Western Distributor Road presented by the pink (dark grey when printed in black and white) dashed line in Figure 1, Linking A606 Burton Road to the A607 Leicester Road to the A606 Nottingham road and on to Scalford Road;
 - A Full Eastern Distributor Road presented by the orange (light grey when printed in black and white) dashed line in Figure 1. The Eastern Distributor Road would link A606 Burton Road to the A606 Nottingham Road via B676 Saxby Road; A607 Thorpe Road; Melton Spinney Road and Scalford Road;
 - A Northern Distributor Road (between A606 Nottingham Road and Melton Spinney Road) shown by the green (light grey in black and white) line in

Figure 1. This option will link A606 Nottingham Road to Scaford Road and Melton Spinney Road;

- A Southern Distributor Road (between A607 Leicester Road and A606 Burton Road) represented by the dark blue line (dark grey in black and white) in Figure 1 joining the A606 Burton Road and the A607 Leicester Road.

6.11 The result of this appraisal was that the full Eastern route was convincingly the best option, concluding that:

“A full Eastern route.... has the greatest impact and benefits on the key objective of congestion reduction across Melton town centre. Correspondingly it also has the greatest traditional level of transport benefits -being double the size of those associated with its comparator, a full Western option.”

6.12 Following the conclusions of the aforementioned Options Assessment Report two eastern route alignments options were proposed for consideration.

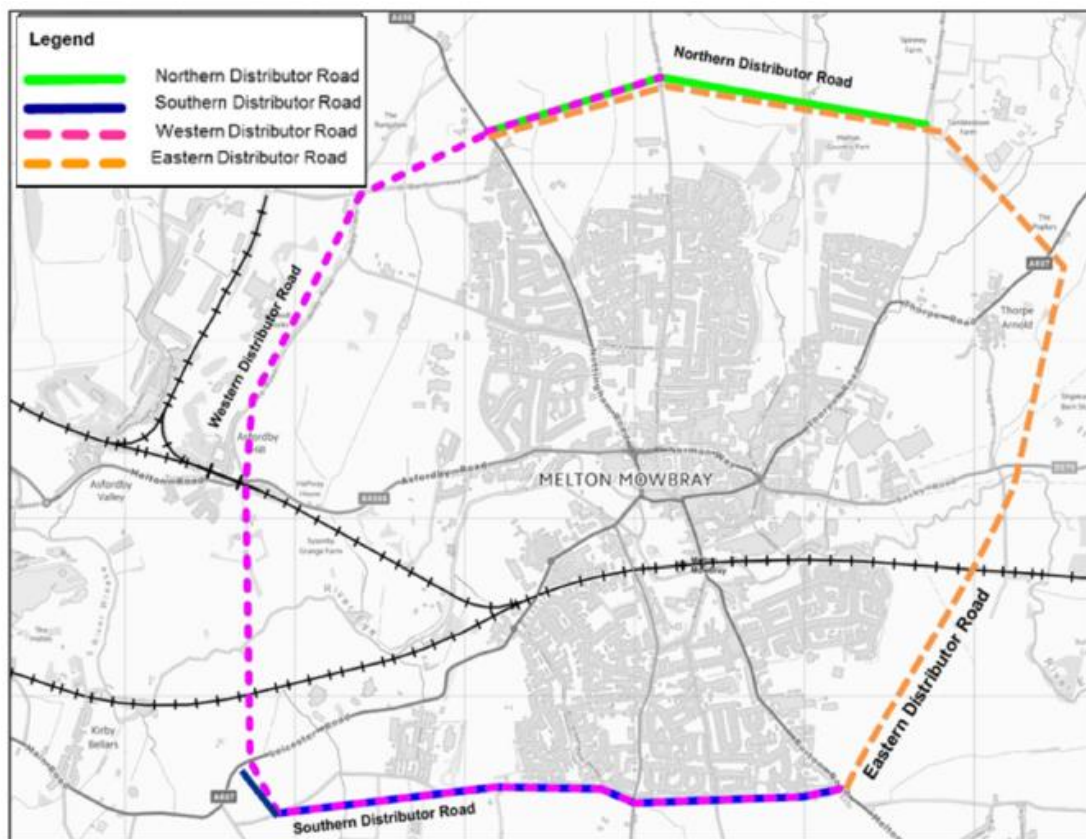


Figure 1 – Route Options assessed as part of the 2016 Options Assessment Report

6.13 Further work, including a Concept Design Report (Jacobs, July 2016), listed as *Document (SAD10)* in the “List of Documents”, revealed a number of critical points in terms of the two remaining options (see Figure 2 below): An Option Three, which saw an alignment positioned between village of Thorpe Arnold and Melton Mowbray, was initially investigated but was dismissed as an option for the purposes of this report because it could not adhere to the minimum design speed/standards, due to the kerb radii required for the road alignment at this location and more significant negative impacts on residents.

- The alignment of Option Two runs through the Brentingby flood relief storage area. The Environment Agency stated that they would view any proposal that directly impacted on the flood storage area very negatively. This was restated through the consultation. “From a flood risk perspective we are pleased that the proposed route (Option One) avoids crossing our flood defence asset at Brentingby.”
- Option Two is 0.45km longer than Option One. The Concept Design Report identified that an additional structure would be required for Option Two. Furthermore, the alignment of Option One crosses the River Eye in a location where the width of the flood plain is significantly narrower in comparison to Option Two. The reduction of length of the multi span culvert would be approximately 470m whilst providing adequate flood flow.
- A sensitivity test was run on the additional length of Option Two and scheme benefits were reduced by around 7% or £9m from the Option One alignment as tested.
- Option One alignment has a shorter crossing of the floodplain of the River Eye, reducing the extent of ground engineering measures possibly required to address the presence of potentially soft / compressible alluvial deposits.

6.14 The Environmental Constraints Report of February 2017, listed as *Document (SAD3)* in the “List of Documents”, considered the environmental impacts of 3 route options (revisiting Option Three for the purpose of environmental impacts). The Report concluded that:

- Option One and Option Two are very similar in terms of potential environmental impact but Option One crosses less Flood Zone 2 & 3 than Option Two and Option Three.

- Option Three is significantly closer to the residential areas in the east of Melton Mowbray, closest to Melton Mowbray Conservation Area (but still approximately 1km away), crosses the most Flood Zone 2&3 and crosses an additional Local Wildlife Site, when compared to Option One and Option Two.

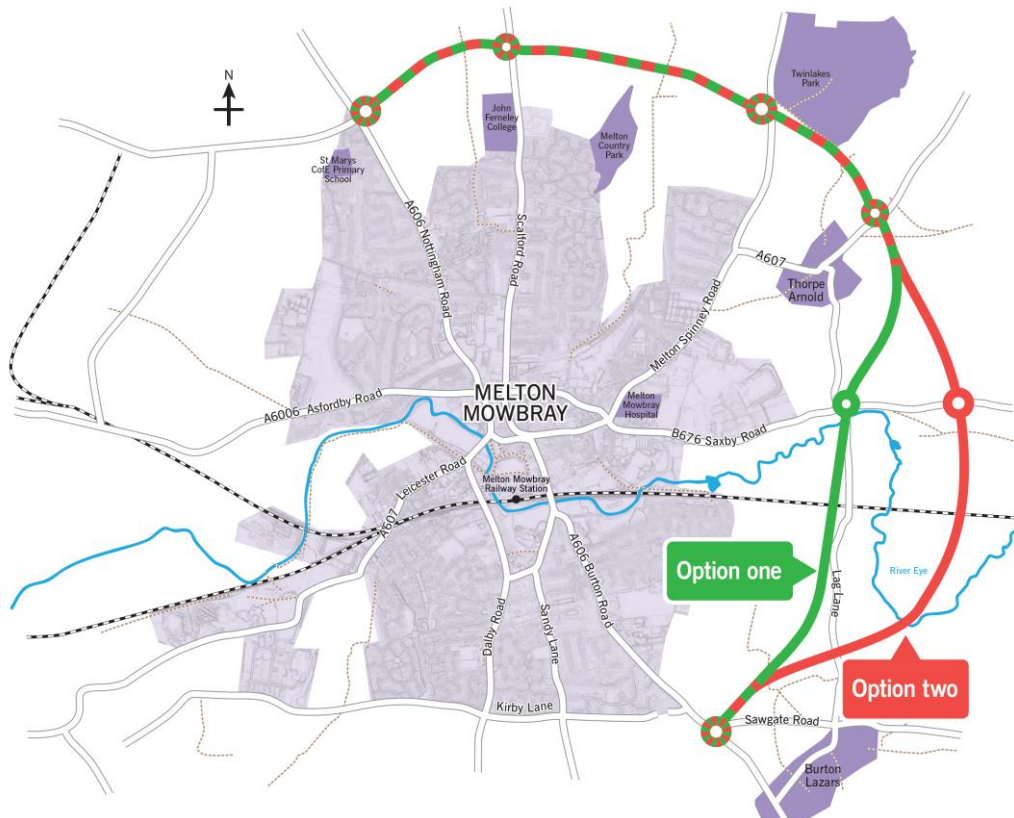


Figure 2 - Diagrammatic plan used in the 2017 consultation showing Options One and Two but not Option Three as that was not proceeded with.

- 6.15 Following the results of the above options assessment work a six-week formal consultation on a Recommended Route took place from 2nd September 2017 until 15th October 2017. The consultation presented Option One as the recommended route, encouraging views on alternatives and presenting both Options One and Two in the consultation brochure.
- 6.16 To promote the consultation 7,330 letters were delivered to households in the town. This included all properties within 500m of the proposed route (a total of 830), which received a letter and a copy of the consultation brochure. All properties outside of this radius, but east of the A606 (a total of 8,500), were hand delivered a letter and a copy of the Scheme flyer.

- 6.17 Ahead of the consultation, a launch information event was held attended by local politicians and parish councils. Consultation material is listed as *Documents CC12 to CC14* in the “List of Documents”.
- 6.18 To support the consultation three staffed public exhibition events were held, attended by around 200 people. Additionally, two presentation and question and answer sessions were attended by the project team at the request of local resident groups, which saw over 100 attendees.
- 6.19 Staff also attended the Melton Mowbray Food Festival over two days in October 2017 with information available about the scheme. The Festival is a key regional event attended by an estimated 10,000 visitors.
- 6.20 Based on the responses from the questionnaire, the majority 51% agreed with the recommended route for the distributor road, 34% disagreed. Full details of the consultation feedback are detailed in a separate Report listed as *Document (CC11)* in the “List of Documents”.
- 6.21 The outcomes of the formal consultations did not identify any reasons why the recommended route should not be used for the purposes of the continuing design process and eventually as the basis for a planning application.
- 6.22 Following the 2017 consultation and building on earlier options appraisal work the OBC was submitted in December 2017. The OBC assessed the BCR of the Scheme in accordance with DfT guidance.
- 6.23 Tests were undertaken to re-confirm the key choice of route (essentially east vs west) in the context of having an updated model available, and to further de-risk final decision making from the options work that has informed the Local Large Majors funding submission to DfT.
- 6.24 The conclusion of this work, using the latest LLITM 2014 model, reiterates that the transport user benefits remain significantly higher for the Eastern option than the Western option, together with a likely lower cost, and improved deliverability potential as a result.
- 6.25 The preferred route is particularly effective at dealing with the issue of through traffic, a key objective of the scheme. When looking at the breakdown by route of the vehicle flows in Table 2, the largest concentration of through traffic movement is along the A606 axis, constituting more than 40% of total traffic on that route. This is also the most congested on a delay/mile basis and is highly susceptible to

variability given it is the only recognised northbound route through the town. The percentage of through traffic in the east-west direction is also high, at over 30% on these routes. Problems are exacerbated by the significant number of HGV and LGV movements through the town. LGV and HGV proportions of through traffic are typically between 50-90% of through traffic, depending on the corridor, but again with the A606 Axis as the corridor with the highest levels of through traffic movements.

Table 2 Traffic movements Melton Mowbray 2014

2014_Base	A606_NottinghamRd	ScafordRd	MeltonSpinneyRd	A607_ThorpeRd	B676_SaxbyRd	A606_BurtonRd	DalbyRd	KirbyRd	A607_LeicesterRd	A6006_AsfordbyRd	Total
A606_NottinghamRd	0	0	0	4	77	885	56	0	2	8	1,033
ScafordRd	0	0	0	0	0	80	0	0	0	9	90
MeltonSpinneyRd	0	0	0	5	1	114	31	0	16	2	170
A607_ThorpeRd	3	0	6	0	1	19	151	0	246	79	505
B676_SaxbyRd	23	0	1	1	0	0	5	0	328	106	465
A606_BurtonRd	1,304	0	29	19	0	0	54	0	977	237	2,620
DalbyRd	63	0	25	133	5	72	0	0	6	18	323
KirbyRd	0	0	0	0	0	0	0	0	202	0	203
A607_LeicesterRd	5	16	3	216	225	840	7	237	0	1	1,549
A6006_AsfordbyRd	9	16	2	119	147	187	22	0	1	0	501
Total	1,408	33	66	497	456	2,196	326	237	1,779	461	7,458

6.26 The traffic forecasting shows that the NEMMDR would result in an average decrease in traffic of approximately 18.6% in town centre locations (Table 3 below) as a result of the scheme, with reductions of over 40% along A607 Thorpe Road and over 25% at the A606 Burton Street/ Burton Road and A606 Thorpe End. This represents a significant reduction in traffic in the town centre, reducing journey times (and delay related rat-running), and leading to a material improvement in environmental conditions, particularly in terms of air quality, noise and experience of the town centre for pedestrians.

Table 3 Change to traffic flows as a result of NEMMDR

Key Roads	Baseline Flow	Forecast Flow	Change (%)
A606 Burton Street / Burton Road	12,731	9,348	-26.6%
A606 Leicester Street	12,545	10,191	-18.8%
A606 Sherrard Street	12,122	9,793	-19.2%
A606 Thorpe End	5,678	4,083	-28.1%
A606 Wilton Road	14,614	12,479	-14.6%
A606 Nottingham Road	9,926	8,508	-14.3%
A607 Leicester Road	10,436	10,001	-4.2%
A607 Thorpe Road	9,728	5,624	-42.2%
A607 Norman Way	8,076	6,615	-18.1%
B676 Saxby Road	6,319	5,328	-15.7%
A6006 Asfordby Road	7,342	6,730	-8.3%
Scaford Road	5,737	5,157	-10.1%
Average	9,605	7,821	-18.6%

6.27 The outcome of this assessment was an adjusted BCR of 3.12. Schemes with a BCR of greater than 1 indicate that the benefit outweighs the cost. DfT's "Value for Money Assessment: Advice Note for Local Transport Decision Makers" states that "proposals are judged to offer poor, low, medium, high and very high Value for Money based on the BCR boundaries" and that a proposal with a BCR of between 2.0 and 4.0 representing "High Value for Money".

6.28 The OBC concluded that:

"A full Eastern route has the greatest impact and benefits on the key objective of congestion reduction across Melton town centre. Correspondingly it also has the greatest traditional level of transport benefits - being double the size of those associated with its comparator, a full Western option."

6.29 Following the October 2017 consultation LCC used the recommended route as the basis for refinement of the scheme and development of a Preferred Route for inclusion in the planning application. As part of further design work on Option One a number of detailed sub-variant alignments were also considered, following landowner engagement and feedback. Particular areas of focus for further design development were:

- Design and route alignment around the River Eye including diversion of the river and measures to ensure the scheme mitigates and enhances biodiversity around the River Eye, whilst addressing flood risk concerns and;
- The road alignment between Scaford Road and Melton Spinney Road (north of Melton Country Park).

- 6.30 A Flood Risk Assessment (“FRA”) accompanied the planning application as the Scheme crosses areas of high flood risk. The proposed route alignment takes the highway through an area shown to benefit from flood defences as a result of the Melton Mowbray Flood Alleviation Scheme (FAS) at Brentingby located approximately 250m upstream of the existing Lag Lane Bridge. Therefore, extensive hydraulic modelling has been undertaken to examine the impact of the Scheme on flood risk in the current context and with increases in flood risk predicted with future climate change. The FRA concludes that the flood risk to the proposed development from fluvial, tidal, surface water, artificial sources, drainage infrastructure and groundwater is low.
- 6.31 A Transport Assessment sensitivity check (May 2018) was carried out on the post OBC revised Scheme alignment. The results of this assessment were used as the basis of the Transport Assessment submitted as part of the planning application.
- 6.32 In May 2018 the Director of Environment and Transport used delegated powers to agree the Preferred Route for planning and acquisition purposes in consultation with Lead Member for Environment and Transport.
- 6.33 In conclusion the Preferred Route has:
- user benefits that are 60% higher than the next nearest option;
 - the greatest benefit for through traffic and thus greatest traffic relief to the town centre and critically traffic relief to space-constrained junctions, as highlighted in paragraph 5.26 and 5.27 and Tables 2 and 3;
 - support through Consultation results, with a majority of Melton residents expressing that they agreed with the Preferred Route;
 - a lower cost than a similar route to the west, which had consequential impacts on the Economic Case and ability of government to fund (and afford) the scheme;
 - the ability to deliver the full extent of housing and employment growth proposed in the emerging MLP; unlike the Northern or Southern lengths, if they were to be delivered in isolation;
 - scored more highly on almost all qualitative scheme objectives than the alternative options, assessed from the perspective of three different transport groups;
 - the greatest opportunity to support walking, cycling, public transport and urban realm improvements in the town.

7. The Planning Position

- 7.1 On the 1st October 2018 a full application for the construction of a 7.1km single carriageway road, linking Nottingham Road A606 with Burton Road A606, or the Scheme, was submitted by LCC (application number 2018/1204/06).
- 7.2 The application was submitted to LCC as the Planning Authority: in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992 (listed as *Document (PPG6)* in the “List of Documents”). Under this Regulation, the County Council determines planning applications for development which it is carrying out (or which is being carried out on its behalf). The detailed submission can be viewed via LCC’s Planning Portal.
- 7.3 During the planning consultation in October 2018 three Drop-in events were held by LCC Environment and Transport Department to inform the public and stakeholders about the Scheme and answer any queries. These events were widely publicised, and a 3D visualisation was available to assist attendees in understanding how the Scheme will look once constructed. This video was made available on YouTube at <https://www.youtube.com/watch?v=OEXs5c-F6ys> and has received over 6500 views.
- 7.4 In the preparation of the Environmental Impact Assessment and Environmental Statement required for the planning submission, extensive survey work was undertaken along the proposed route and within a 250-metre buffer zone either side of the route. The EIA covered assessment of, amongst other issues, the following elements:
- Ecology
 - Archaeology and Cultural Heritage
 - Sustainable Transport
 - Water (Flood Risk, Drainage and Watercourses)
 - Noise and Vibration
 - Air Quality
 - Climate Change
 - Landscape and Visual Impacts

- 7.5 The resulting information gathered was then used to propose Scheme impact mitigation.
- 7.6 LCC as County Planning Authority undertook a 30-day public consultation exercise on the planning application, from 16 October to 19 November 2018. The application was advertised in accordance with the statutory requirements on 18 October 2018 by way of: site notices posted around the application area, a press notice within the Melton Times and direct neighbour notifications sent to 1,069 residents. During the consultation 75 representations were received with an additional 22 responses to direct consultation.
- 7.7 As a result of feedback from the consultation exercise, a small number of minor modifications relating to landscaping, rights of way and ecological mitigations were made to the proposals. An Addendum to the planning application setting out the changes was supplied to LCC Planning Authority on 18 March 2019. An additional 30-day consultation period took place, which concluded on 24 April 2019.
- 7.8 Following a request from LCC Planning Authority, a report of trenching carried out on the route and an Archaeological Impact Assessment were submitted as a second Addendum to the application. This necessitated a further 30-day consultation which ended on the 21 May 2019.
- 7.9 LCC's Development Control and Regulatory Board resolved on 23rd May 2019 to approve the application 2018/1204/06 in accordance with the application and the two Addenda and plans submitted and subject to conditions.
- 7.10 There are a number of planning conditions which need to be addressed as part of the Scheme development and a number of planning condition discharge documents have been shared for review with the LCC Planning Authority prior to formal submission of documentation. It is expected that a substantial number of these documents will be submitted in August / September 2021. There are no conditions in place that the project team cannot deal with to enable them to be discharged.
- 7.11 When considering a development proposal, the planning authority must have regard to the relevant Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Listed as *Document (PPG7)* in the "List of Documents") states that "...the determination must be made in accordance with

the Plan unless material considerations indicate otherwise.” Central Government advice is a material consideration.

7.12 At the point of determination of the Scheme planning application the relevant Development Plan documentation comprised:

- The Melton Local Plan, adopted October 2018;
- Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan, adopted June 2018. The plan is relevant for that part of the Scheme between approximately Chainage 2800 and Chainage 4600.

7.13 Other material considerations were:

- National Planning Policy Framework;
- Leicestershire Local Transport Plan 3.

National Planning Policy and Guidance

7.14 The National Planning Policy Framework (NPPF) (listed as *Document (PPG8)* in the “List of Documents”) sets out the Government’s national planning policies, with the latest revision published in July 2021. The NPPF is a material consideration with considerable weight in decision making. Although the planning permission was granted under an earlier version of the NPPF, the guidance remains essentially the same.

7.15 NPPF Paragraph 11 states that, “plans and decisions should apply a presumption in favour of sustainable development.”

7.16 It goes on to state that, “For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay.”

7.17 Paragraph 82 states that, “Planning policies should... seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.”

7.18 Paragraph 104 states that, “transport issues should be considered from the earliest stages of plan-making and development proposals,” as they have been in Melton Borough, where MBC has developed proposals for the full MMDR (N&E and southern section) alongside proposals for the NSN and the SSN.

7.19 The National Planning Practice Guidance (NPPG) (listed as *Document (PPG9)* in the “List of Documents”) was first published online in March 2014, with sections

regularly updated as guidance changes. The NPPG sets out extended guidance across a number of topic areas contained in the NPPF.

7.20 The NPPG section on Transport Assessments and Transport Statements (06/03/2014) sets out the key principles that should be taken into account in preparing a Transport Assessment and states that they should be:

- proportionate to the size and scope of the proposed development to which they relate and build on existing information wherever possible;
- established at the earliest practicable possible stage of a development proposal;
- tailored to particular local circumstances (other locally determined factors and information beyond those which are set out in this guidance may need to be considered in these studies provided there is robust evidence for doing so locally);
- brought forward through collaborative ongoing working between the local planning authority/transport authority, transport operators, rail network operators, Highways Agency where there may be implications for the strategic road network and other relevant bodies. Engaging communities and local businesses in Travel Plans, Transport Assessments and Statements can be beneficial in positively supporting higher levels of walking and cycling (which in turn can encourage greater social inclusion, community cohesion and healthier communities).⁷

7.21 The NPPG also states that the planning system should consider the potential effect of new developments on air quality where relevant limits have been exceeded or are near the limit.

7.22 This guidance has been applied and followed in bringing forward the Scheme and it supports the promotion of the Scheme

Melton Local Plan

7.23 MBC submitted the MLP for Examination in October 2017 and Main Modifications were consulted on in summer 2018. The MLP was adopted at Full Council meeting on 10th October 2018. During the Examination of the Draft MLP the Inspector summarised her view on the MMDR proposal at that time (a route to the north and east of the town), concluding that:

- “The transportation evidence that supports the MMDR, as part of a wider package of integrated proposals in the MMTS that would bring significant benefits to the Borough, is comprehensive and convincing.” and that;
 - “There is insufficient reason to doubt the conclusion drawn from this work that an outer distributor road (in this case a single carriageway, all-purpose A road) is required. And the evidence indicates that the Preferred Route around the north and east of the town, initially linking the A606 Nottingham Road with the A606 Burton Road, and finally linking to the A607 Leicester Road, flanking the Sustainable Neighbourhoods, is the most appropriate of the alternatives.”
- 7.24 The Inspector, having considered the available evidence, therefore supported the need for an eastern MMDR proposal. The “Report on the Examination of the Melton Local Plan” is listed as *Document (DM11)* in the “List of Documents”.
- 7.25 The MLP Vision for MBC states that: ‘There will be improved connectivity and ease of movement within and across the town, and to and from the nearby larger centres of Leicester, Loughborough, Nottingham and Grantham and the Borough’s many villages. This will have elevated Melton Borough as a desirable place to live, work in and visit, both sub-regionally and beyond’.
- 7.26 Policy SS4 – Melton South Sustainable Neighbourhood (Strategic Development Location) outlines the policy requirements for the successful delivery of the Southern Sustainable Neighbourhood, including transport improvements by way of a strategic road link connecting the A606 to the A607 (the MMDR southern link).
- 7.27 Policy SS5 – Melton North Sustainable Neighbourhood outlines the policy requirements for the successful delivery of the North Sustainable Neighbourhood, including transport improvements by way of a strategic road link connecting A606 to Melton Spinney Road forming part of the Scheme and securing a route that allows north/south connectivity as part of the Scheme between Melton Spinney Road and Burton Road. This policy includes a statement with regard to protection of Melton Country Park.
- 7.28 The Scheme meets the requirements of this Policy by providing essential transport infrastructure needed for the support of the delivery of the Sustainable Neighbourhoods.

- 7.29 The Scheme has been designed to maximise the distance from the road to the Country Park, and in doing so has reduced the impact upon it. Landscaping is proposed to the south of the Scheme between the proposed balancing pond and the Country Park. Therefore, the Scheme meets the requirements of MLP policy SS5 on protection of the Country Park.
- 7.30 Policy EN1 – Landscape seeks to conserve and where possible enhance the character of the Borough’s landscape and countryside.
- 7.31 The impact on landscape has been reduced through careful design, particularly maximising separation distances between the Scheme and Thorpe Arnold (options were discounted nearer to the village to minimise other impacts). The Landscaping Masterplan aims to introduce sensitive, attractive, natural landscaping features that screen the development and deliver net gains in the number of trees and hedgerows where possible. An Arboricultural Method Statement will be produced to ensure the Scheme minimises any impact on retained trees and hedgerows and planting plans will be developed to maximise gains. The Scheme is therefore compliant with planning policies on landscape and visual impacts, with minor conflicts in terms of the impact on Important Views outweighed by the benefits of the Scheme.
- 7.32 Policy EN2 – Biodiversity and Geodiversity seeks to achieve net gains for nature and seek habitat creation as part of new development proposals, while also protecting and enhancing biodiversity, ecological networks and geological conservation interests throughout the Borough.
- 7.33 The Scheme meets the requirements of this Policy. In preparation of the Scheme, substantial desktop and site survey work has taken place to develop a full understanding of the potential ecological impacts. In development of a recommended route for consultation in October 2017, ecological (phase 1 habitat) surveys of the route was conducted.
- 7.34 The principle of biodiversity net gain has been taken forward in the Scheme design so that with measures proposed in the ES, new planting will result in significant positive impacts on grassland, species-poor hedgerow and woodland habitats in the medium-long term. In the assessment, impacts on other habitats are predicted to be non-significant. Using Defra’s biodiversity metric, biodiversity gain has been calculated at approximately 12% across the Scheme.

- 7.35 The Scheme has been informed by ecological considerations throughout the design process, with iterative amendments made to introduce ecological enhancements and mitigation measures to reduce any adverse impacts. This process will continue through preparation of a Construction Environmental Management Plan (CEMP) to ensure all measures are taken to minimise impacts on species and habitats during construction.
- 7.36 Full details of extensive proposed ecological enhancement and mitigation measures are presented in Chapter 8 of the ES. With these measures in place, the Scheme is predicted to have a positive effect on the River Eye SSSI, which given its designation, would be a significant beneficial impact on an interest of national importance.
- 7.37 Policy EN3 – The Melton Green Infrastructure Network outlines the strategic approach to delivery, protection and enhancement of green infrastructure in order to deliver new assets where deficits have been identified and to enhance primary green infrastructure areas, including the River Eye SSSI.
- 7.38 The Scheme meets the requirements of this policy. The Scheme design proposes to significantly enhance the SSSI around the River Eye. The design has been produced with guidance from officers at Natural England and the Environment Agency. The design and route alignment around the River Eye ensure that the Scheme mitigates and enhances biodiversity at this location, whilst addressing flood risk concerns. A full mitigation and management plan will be produced for approval by Natural England and the Environment Agency.
- 7.39 The Scheme has been designed to maximise opportunities to enhance pedestrian and cycle routes and minimise adverse impacts where existing routes are affected. The proposal includes a new 3m wide shared footway/ cycleway for the length of the Scheme.
- 7.40 Lag Lane from just south of Thorpe Arnold and the full length of Sawgate Road will be closed to traffic, except for private access and NMUs. This will create a new, attractive, NMU route stretching 2.6km along Lag Lane from Thorpe Arnold to Burton Lazars.
- 7.41 Policy EN8 – Climate Change sets out the need for all new development proposals to demonstrate how the need to mitigate and adapt to climate change has been considered.

- 7.42 The Scheme drainage has been designed to allow for a 50% increase in rainfall as a result of climate change. The Scheme's design, landscaping and ecological proposals provide new wildlife corridors that allow for species migration, this includes green corridors beneath bridge structures. The Scheme will result in benefits for air quality and noise levels within the town of Melton Mowbray. An increase in emissions is forecast along the route of the Scheme, but concentrations in these areas will remain at levels below those considered harmful to health. There will be impacts from dust and traffic during the construction phase, although these would be temporary and mitigated through measures set out in the CEMP and the Construction Traffic Management Plan (CTMP).
- 7.43 Sustainable construction design and methods will be employed where possible including the reuse and recycling of road materials. A CEMP will be produced by the contractor to ensure continued commitment to sustainable delivery.
- 7.44 Policy EN11 – Minimising the Risk of Flooding aims to ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others. The Scheme meets this policy requirement and the Environment Agency is supportive of the Scheme, subject to planning conditions. Paragraph 5.29 highlights the work on the Scheme's Flood Risk Assessment.
- 7.45 Policy EN12 – Sustainable Drainage Systems outlines the need to demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding, allowing for climate change effects.
- 7.46 The Scheme meets this requirement. The balancing ponds within the Scheme design are designed to be permanently wet, with 0.5-1 m of water contained within them. Marginal aquatic planting will enhance the habitat of these ponds, as well as integrating them better into the surrounding landscape.
- 7.47 Policy EN13 – Heritage Assets sets out how a positive approach will be taken to conserve heritage assets and the wider environment through the protection and enhancement of Heritage Assets.
- 7.48 Impacts on Cultural Heritage were assessed through desktop and walkover surveys, Geophysical surveys and archaeological trenching.
- 7.49 The Scheme is compliant with planning policies supporting protection and enhancement of heritage assets. There are no Conservation Areas near the Scheme, and only one Listed Building is considered to be adversely affected, the

impact being assessed as 'slight'. No Scheduled Monuments will be directly affected and the impact upon the setting of St Mary and St Lazarus Hospital moated site and two fishponds at Burton Lazars is expected to be no more than 'slight'. Archaeological investigations carried out to date and prior to construction will ensure impacts are minimised where possible.

- 7.50 Policy IN1 – Melton Mowbray Transport Strategy (MMTS) outlines how MBC will work with Leicestershire County Council and others to deliver a transport strategy for Melton Mowbray. A key component of this strategy is the delivery of the Scheme following a route in accordance with the 'corridor of investigation' identified on the Policies Map.

Housing Allocations (Related Applications)

- 7.51 MLP Policy SS2 Development Strategy states that provision will be made for at least 6,125 homes in Melton Borough between 2011 and 2036, with housing delivery increasing throughout the plan period from a minimum of 170 dwellings per annum (dpa) from 2011-2021 to 245 dpa from 2021-2026 and 320 dpa from 2026-2036.

- 7.52 Over half of the Borough's housing needs of the MLP period are expected to be met through housing delivered at the Northern Sustainable Neighbourhood and the Southern Sustainable Neighbourhood; two strategic allocations to the north and south of Melton Mowbray providing 1,500 and 1,700 homes respectively by 2036. The MLP supporting text in 4.3.5 states that:

'The Melton Mowbray Transport Studies have made clear that for the town to grow sustainably, there will be a need for strategic investment in the highway network that improves the north/south connectivity. The transport evidence has appraised options to address traffic congestion within the town and has concluded that an outer distributor road is the best long-term deliverable solution.'

- 7.53 The Scheme therefore meets the requirements of this Policy by providing the necessary infrastructure needed to support the delivery of the Melton Mowbray Sustainable Neighbourhoods.

Approved and Live Planning Applications for Residential Development

- 7.54 A number of outstanding and approved applications have been made relating to the NSN and SSN and are listed as *Documents P7 to P12* in the "List of Documents".

- 7.55 18/00359/OUT - Sysonby Farm Nottingham Road Melton Mowbray LE13 0NX. Outline planning application for demolition of all existing buildings and structures, and the erection of up to 290 Class C3 residential dwellings, local centre comprising of 200 m² GEA for Class A1, A2, A3, A4 and A5 uses, up to 250 m² GEA Class B1 business floorspace, Class D1 two-form primary school, open space and associated infrastructure, with all matters reserved except access.
- 7.56 14/00518/OUT (Land west of Scalford Road)- Residential development of up to 325 dwellings (C3 use class) with all matter reserved except for access.
- 7.57 16/00309/DIS (Land east of Scalford Road) - Discharge of condition for Construction of 77 units and associated infrastructure works (Phase2).
- 7.58 19/01270/DIS (Land west of Melton Spinney Road) - Discharge of conditions for 200 dwellings, open space and associated development.
- 7.59 16/00515/OUT (Land South Of Kirby Lane and west of Burton Road) - Updated Site Boundary, Masterplan and ES Addendum. The provision of up to 1,500 dwellings, a new local centre, primary school, areas of public open space including children's' play space and informal recreation, storm water balancing and a new link road between Burton Road and Dalby Road and Kirby Lane and Leicester Road.
- 7.60 20/01214/REM (Land North John Ferneley College, Scalford Road, Melton Mowbray) - Seeking consent for the appearance, landscaping, layout and scale of Bloor Homes' first phase of development at the site comprising 159 dwellings and associated infrastructure in respect of previous approved outline application 18/00769/OUT.

Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan

- 7.61 The Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (WotW and TA NP) (listed as *Document (PPG10)* in the “List of Documents”) was approved following a referendum on the 12th April 2018. At this time the Scheme had been taken through extensive consultation prior to its formal adoption in May 2018.
- 7.62 The Scheme passes through the Neighbourhood Plan area to the south of Twinlakes and around Thorpe Arnold. The Neighbourhood Plan recognises that the Scheme route is proposed in the MLP and its Policy S1 “Limits to Development” acknowledges this potential development and allows for the infrastructure

requirements that will facilitate its construction. The most relevant policies are explored below.

- 7.63 Policy ENV2: Protection of Other Important Open Space designates 'open land west side of A607 road, east of Wold House, Thorpe Arnold' as Other Important Open Space and states that development that changes the character and features of this area will not be supported. This area has been included within the red line boundary to facilitate improvements to pedestrian routes from Thorpe Arnold to the shared way around the Scheme and will not involve any encroachment onto the open space. Therefore, proposals are compliant with this policy. The Scheme will significantly increase the length and connectivity of NMU routes through the provision within the Scheme (See paragraph 7.41).
- 7.64 WotW and TA NP Policy ENV4 designates two 'Other Sites of Environmental (natural or historical) Significance' near to the Scheme. The two sites near the Scheme include a large site to the south west of Thorpe Arnold and a site that follows Thorpe Brook. The Scheme meets the requirements of Policy ENV4.
- 7.65 Thorpe Brook is crossed by the Scheme between Roundabouts 3 and 4. Mitigation measures during construction and sensitive bridge design reduce the impact of the scheme on Thorpe Brook. The bridge over Thorpe Brook is a clear span structure with provision of a natural corridor beneath the scheme. The Council submitted an application to make a Non-Material Amendment (NMA) to the application for the NEMMDR on 18 August 2021. The NMA seeks to realign the bridleway which runs under the Thorpe Bridge to move it further towards the west side of the bridge underpass. Separating the bridleway and having it pass under the structure on the opposite side of the brook will allow the safe simultaneous passage of livestock along the farm access path and equestrian users along the bridleway. The start and the end point of the bridleway remain unchanged.
- 7.66 The area to the south of Thorpe Arnold is some distance from the road alignment, with the closest parts of the red line boundary being the section along Lag Lane. The Scheme has the potential to result in a positive impact on this designation through removal of public vehicular traffic along Lag Lane.
- 7.67 Policy ENV6: Important Woodland, Trees and Hedges states that development proposals that will affect trees, woodland and hedges of environmental significance, or of landscape or amenity value, will be resisted. Hedgerows are to be retained and protected. Where minor loss is unavoidable, it must be minimised,

and loss mitigated with replacement planting of locally appropriate native species providing a net gain in length and quality.

- 7.68 The Scheme design has been informed by the need to avoid affecting existing trees and hedgerows where possible and provide planting as part of the Scheme. The final planting plans, Arboricultural Method Statement and CEMP will ensure the Scheme complies with Policy ENV6 and provides a net gain in the length of hedgerows and number of trees overall.
- 7.69 Policy ENV9: Biodiversity states that development proposals should not adversely affect sites designated for their nature conservation importance (e.g. LWSs), habitats or species of principal importance, other legally protected species or the Wildlife Corridors identified in the WoTW & TA NP. The Wildlife Corridors identified are both north of Waltham on the Wolds and not near the Scheme.
- 7.70 Policy ENV12: Protection of Important Views identifies a number of views considered important for the Parish including three views looking out of Thorpe Arnold and two views looking into Thorpe Arnold from outside the village.
- 7.71 View a) Travelling south out of the village down Lag Lane: the road cutting opens out suddenly giving long-distance views across open countryside towards Melton Mowbray, Burton Lazars and, in the distance, the high point of Burrough Hill.
- View b) looks from Thorpe Arnold towards Melton Mowbray.
- View c) looks northwest from the burial ground and Church car park: a rural view over the public footpath to open farmland and woods.
- View d) looks from the A607 Thorpe Road on the edge of Melton Mowbray up over Manor Close earthworks, with De Bosco House prominent and the rest of the village shrouded by mature trees.
- View e) Travelling southwest along the A607 provides 'a fine view of the hilltop village'.
- 7.72 The Scheme will affect Important Views c) and e), providing additional highway and lighting in the view. The Scheme will be low lying (with the exception of lighting columns), which would diminish the impact on openness in comparison to another type of development proposal and will mean whilst the Scheme will be present in the view, it will not restrict the view of the surrounding countryside, other than where landscaping planting is proposed to increase the attractiveness of the view. The

Scheme has been designed to reduce impacts as far as possible through maintaining a separation distance between the alignment and Thorpe Arnold and incorporation of landscaping. This was taken into account as part of the consideration of the planning application.

- 7.73 Policy ENV13: Footpaths and Bridleways states that development proposals that result in the loss of or have significant adverse effect on the existing network of footpaths will not be supported without mitigation. Community Action ENV14 states that the Parish Council will work with Local Authorities, the community and landowners to ensure the network is maintained in a safe, usable condition and to create and maintain enhancements to the network.
- 7.74 The Scheme will significantly increase the length of NMU routes in the area, including a 7.1km new shared footway/ cycleway adjacent to the proposed carriageway, and new NMU routes to improve connectivity to the north, south and within the Scheme.
- 7.75 Policy ENV15 requires that developers consider geology, flood risk and natural drainage to ensure schemes do not increase flood risk elsewhere. The Scheme meets this policy requirement because the scheme has been located in the areas of lowest flood risk in the route corridor, will not adversely affect flood risk at properties and incorporates a Surface Water Drainage Plan to manage surface water appropriately and sustainably.
- 7.76 On the 23rd May 2019 LCC's Development Control and Regulatory Board resolved to approve the planning application in accordance with the application and plans and subject to conditions. The scheme is therefore compliant with national and local strategic planning policy and is considered acceptable for development in planning terms.

8. Description of the Scheme

Overview

- 8.1 The Scheme is approximately 7.1km long and links the A606 Nottingham Road to the north west of Melton Mowbray to the A606 Burton Road to the south east.
- 8.2 The Scheme will be a 7.3-metre-wide single carriageway, with additional one metre wide hard strips either side of the running lanes in the 60-mph section.
- 8.3 A shared and segregated, 3-metre-wide, footway/cycleway will be provided along the length of the Scheme. This will have connections to the existing cycle facilities at the junctions with the Scheme.
- 8.4 A speed limit of 40mph is applied between Roundabouts 1 (at A606 Nottingham Road) and Roundabout 3 (at Melton Spinney Road) and 60mph between Roundabout 3 and Roundabout 6 (at A606 Burton Road). This approach reflects the fact that significant housing growth is expected, in line with the MLP, between Nottingham Road and Melton Spinney Road and therefore there will be an urbanisation of the land adjacent to the Scheme between Nottingham Road and Melton Spinney Road.
- 8.5 The location of the route of the Scheme allows the road to perform to its maximum capability in terms of expediently diverting traffic where the town centre is not the intended destination, whilst minimising impacts on residents. This is in line with what has been stated in the OBC and detailed planning application. No new side roads from the main line have been included in the Scheme design and the roundabouts at each junction are unsignalised; this again allows the road to maintain high journey time benefits and therefore increase the attractiveness of the route.
- 8.6 The Scheme has been designed to optimise, as far as practicable, the cut/fill balance. This means that the volume of material removed (cut) from the Scheme, is intended to be as close to the volume of new material to be placed (fill) material. The purpose of this is to reduce the overall volume of virgin material which will have to be delivered to the site.
- 8.7 The topography around Melton Mowbray can be described as undulating countryside with brooks and rivers in the low points and the land often rises quickly away from the watercourses. The design was such to minimise the depth of cuttings and areas of fill (embankments) whilst maintaining a longitudinal profile

(which controls the ride comfort for the road user) in accordance with the applicable standards contained within the Design Manual for Roads and Bridges.

- 8.8 The drainage design follows the requirements within the Design Manual for Roads and Bridges supported by other relevant guidance. The pipe and ditch design have been carried out to DMRB alongside additional requirements from the LCC Flood Risk Management Team. Pond design is based on guidance in DMRB and CIRIA's SuDS Manual (listed as *Documents (TG1)* and *(TG2)* in the "List of Documents"), together with attenuation requirements agreed with the LCC Flood Risk Management Team.
- 8.9 Carriageways and cutting slopes would be drained with a combination of filter drains and gullies/combined kerb and gully units.
- 8.10 Ten balancing ponds have been incorporated into the design of the scheme. Appropriate locations have been selected adjacent to low points in the road to maximise the use of the local topography and enable controlled outfall into adjacent watercourses. To provide maximum environmental benefit, the balancing ponds will have permanently wet sections. Maintenance access tracks will be provided to the balancing ponds, along with fencing around the ponds for safety purposes. The Surface Water Drainage Plan in Appendix 16.6 of the Environmental Statement (ES) provides more detail on the proposed drainage design.

Description of the Scheme Starting at A606 Nottingham Road and Finishing at A606 Burton Road

- 8.11 A five-arm non-signalised junction (Roundabout 1) is proposed at A606 Nottingham Road to the east of the junction with St Bartholomew's Way. Pedestrian and cyclist connectivity will be provided to the proposed developments that are part of the NSN, the existing NMU routes on the A606 to the south and St Bartholomew's Way to the West. Existing pedestrian and cycle facilities will link with the Scheme's shared pedestrian/cycle track. The current access to "The Cottage" will be removed and replaced with a new access further to the north of the Roundabout 1.
- 8.12 An ingress and egress point to/from the Sysonby Farm site have been included in the design. The site is proposed as a future Council depot and consideration of this now will reduce disturbance and cost in the future.
- 8.13 Roundabout 1, at the A606 Nottingham Road, is to be built offline from the A606 to minimise impacts on traffic during construction, whilst mitigating the impacts on

nearby residents to the west of Nottingham Road. The southern / eastern side of Roundabout 1 is on embankment due to sloping land north to south. Additional landscaping is proposed to the west, north and south of the new Roundabout 1 which will further mitigate visual impacts to residents.

- 8.14 From Roundabout 1 the Scheme crosses farmland heading east where it meets Scalford Road, north of John Fernley College and south of Grammar School Farm House. A culvert taking an existing minor ordinary watercourse is proposed at approximately chainage 220. A culvert is also proposed that will take an ordinary watercourse beneath the Scheme at approximately chainage 730.
- 8.15 The majority of this section of the route is in cutting (approximately 600m) with about 100m on slight embankment and the remainder at grade with the surrounding topography. The position of the road reflects the allocation of development land in the Melton Local Plan (MLP), following the northern boundary of the allocation.
- 8.16 A five-arm non-signalised junction (Roundabout 2) is proposed where the Scheme meets Scalford Road. Roundabout 2 will be constructed offline, to the east of Scalford Road, to minimise impacts on traffic during construction. The south-eastern arm of the Roundabout will serve the proposed NSN development allocated in the MLP. This is the roundabout where an objector has suggested that a change is made to the Scheme, namely that one of the arms is not required. This will be addressed in paragraph 14.16.2(b) below. Pedestrian and cyclist connectivity will be provided to Scalford Road to the north and south, and the NSN to the south. Existing pedestrian and cycle facilities will link with the Scheme's shared pedestrian/cycle track.
- 8.17 To mitigate impacts of the development on Grammar School Farm House (north-west of Roundabout 2), noise barriers and landscaping have been included in the design. The easterly offline position of the Roundabout moves it further from the property than it might otherwise be and takes advantage of the lower ground level. The approach to the Roundabout 2 from the west (immediately south of the property) is largely in cutting. The existing Scalford Road will be utilised as new private means of access for Grammar School Farm House. Two other private means of access have been provided to fields north and south of roundabout 2.
- 8.18 From Scalford Road the route continues east, largely on a shallow embankment, with two short stretches of highway at grade. The route cuts through the

embankment of the dismantled railway before bridging Scalford Brook via a single open span structure. From the brook, the route turns south-eastward into a deep cutting followed by slight embankment on the approach to Roundabout 3 at Melton Spinney Road.

- 8.19 The route is approximately 275m away at its closest point to Melton Country Park. Part of the road is in deep cutting between Scalford Road and Melton Spinney Road, minimising visual impact on the Park. At the location of Scalford Brook bridge, where the route is more visible, substantial landscaping is providing for mitigation purposes. North-south ecological connectivity is via the proposed Scalford Brook bridge, where a green corridor is provided through the underpass. The bridge underpass also accommodates the Jubilee Way, Footpath E18 and a PMA.
- 8.20 The position of the road at this location reflects the Local Plan housing allocation boundary except on the approach to Roundabout 3 and Twinlakes theme park. The route heads south east at this point in order to minimise land acquisition from Twinlakes.
- 8.21 A five-arm non-signalised junction (Roundabout 3) is proposed where the Scheme meets Melton Spinney Road. Roundabout 3 will be constructed offline, to the east of Melton Spinney Road and immediately south of the existing Twinlakes access route to help minimise impacts on traffic during construction. The Construction Traffic Management Plan will confirm the final proposals for maintaining year-round access to the theme park further to discussions with the landowner. Roundabout 3 will include a dedicated access arm for Twinlakes. Pedestrian and cyclist connectivity will be provided to the end of the access to Twinlakes and to National Cycle Route 64 on Melton Spinney Road. Existing pedestrian and cycle facilities will link with the Scheme's shared pedestrian/cycle track. Due to the fall of the land (land falls to the south), Roundabout 3 is required to be on embankment. Landscaping has been provided at this location to screen the theme park and Thorpe Arnold from the Scheme.
- 8.22 The route continues in a south-easterly direction almost entirely on embankment, crossing Thorpe Brook via a single, open span bridge, before reaching Roundabout 4 (A607 Waltham Road), which is in cutting and positioned at the approximate mid-point between the cottages to the east and the village of Thorpe Arnold to the west. Thorpe Brook Bridge is a single open span structure; the bridge design has been

widened to accommodate farm vehicle access, bridleway and ecological requirements. Discussions with the landowner regarding the detail of this element of the proposal are being finalised. The Council submitted an application to make a Non-Material Amendment (NMA) to the application for the NEMMDR on 18 August 2021. The NMA seeks to realign the bridleway which runs under the Thorpe Bridge to move it further towards the west side of the bridge underpass. Separating the bridleway and having it pass under the structure on the opposite side of the brook will allow the safe simultaneous passage of livestock along the farm access path and equestrian users along the bridleway. The start and the end point of the bridleway remain unchanged.

- 8.23 A four-arm, non-signalised junction (Roundabout 4) is proposed where the Scheme meets the A607 Waltham Road. Pedestrian and cyclist connectivity will be provided to the west towards Thorpe Arnold, and a footway will be provided towards the dwellings to the east. This will improve pedestrian connectivity between the cottages, footpath E3 and the village. Roundabout 4 will be constructed offline, to the west of A607 Waltham Road, to minimise impacts on traffic during construction.
- 8.24 The A607 Waltham Road will be realigned to meet the new Roundabout 4. Private means of access is to be maintained to the properties located approximately 200 metres north-east of Roundabout 4 from the realigned A607 Waltham Road. Part of the existing A607 Waltham Road will be retained and utilised for private field access to the south-west of the cottages. A PMA will be maintained into the field severed by the scheme immediately to the south of Roundabout 4 (see paragraph 14.24.2 (b)).
- 8.25 The route then continues in a generally southern direction on embankment before entering cutting, which continues for the majority of the section up to Roundabout 5 (B676 Saxby Road). At a point approximately 300 metres from Roundabout 4, where the road is almost at grade, a new PMA is provided to land east and west of the route. The location of the cutting coincides with the route's closest point to Thorpe Arnold, helping to mitigate noise and visual impacts. A culvert is proposed, taking an existing watercourse under the Scheme to the south of Roundabout 4, at approximate chainage 3950;
- 8.26 Lag Lane, north of Saxby Road, South of Thorpe Arnold and west of the Scheme, will be closed to public vehicular access. A bridleway and PMA will be provided in

its place. Access to Lag Lane will be restricted at the northern and southern ends via a gate or bollard, to restrict vehicular access.

- 8.27 Three culverts are proposed in the vicinity of Roundabout 5 at Saxby Road. The first takes the ordinary watercourse that runs parallel with Lag Lane beneath the new PMA. This culvert will replace an existing pipe and allow the watercourse to be diverted away from Roundabout 5 at approximate chainage 4870. The second takes the same watercourse along its new alignment beneath the Lag Lane at approximate chainage 4900. The third takes the realigned watercourse beneath Saxby Road and proposed bridleway west of Roundabout 5 at approximate chainage 4920.
- 8.28 A four-arm non-signalised junction (Roundabout 5) is proposed where the Scheme meets B676 Saxby Road. An additional exit from the Roundabout 5 is provided for a PMA. The northern edge of Roundabout 5 is below the neighbouring ground level, whereas the southern edge is on embankment. A new PMA will be provided from the north-west edge of Roundabout 5. NMU connectivity along Lag Lane north and south of Roundabout 5 will be maintained, facilitated by an equestrian crossing of the B676 Saxby Road approximately 110 m west of Roundabout 5 and, an at grade crossing for pedestrians across the splitter island west of Roundabout 5. A new PMA will be provided to the south of the realigned B676 Saxby Road which will be shared with the bridleway to the east of the equestrian crossing. This access will be gated to restrict public / unauthorised vehicular access. The existing footway on the B676 Saxby Road will be extended to connect with the Scheme's shared pedestrian/cycleway.
- 8.29 The location of Roundabout 5 has been determined through consideration of the various constraints in the area, including the presence of two sets of powerlines, the minimisation of impacts on properties at Thorpe Arnold, consideration of impacts to properties to the east of the proposed route and retention of an attractive route to drivers in terms of journey times. It is located offline to the north to avoid floodplain and poor ground conditions
- 8.30 From Roundabout 5 the route continues south, crossing the realigned River Eye on a 4-span open structure before bridging the Melton to Peterborough railway. A single, open span structure is proposed for the crossing of the railway.
- 8.31 The realignment of the River Eye will be approximately 150 metres to the south of the existing channel location. The location was chosen following the Options

Appraisal work (listed as Document (P18) in the “List of Documents”) mentioned in Section 5 and by agreement with landowners, Natural England and the Environment Agency. In the vicinity of the diverted channel, predominantly to the east of the Scheme, there are significant areas of land and rights required necessary for delivery of the Scheme. This includes: land required for the diversion of the River Eye; land required for flood compensation areas; land required for a connection channel between the existing and diverted River Eye; land required to improve the condition of the SSSI in accordance with Natural England and the Environment agency; and, ancillary works such as fencing, landscaping and land required for the construction of the aforementioned works.

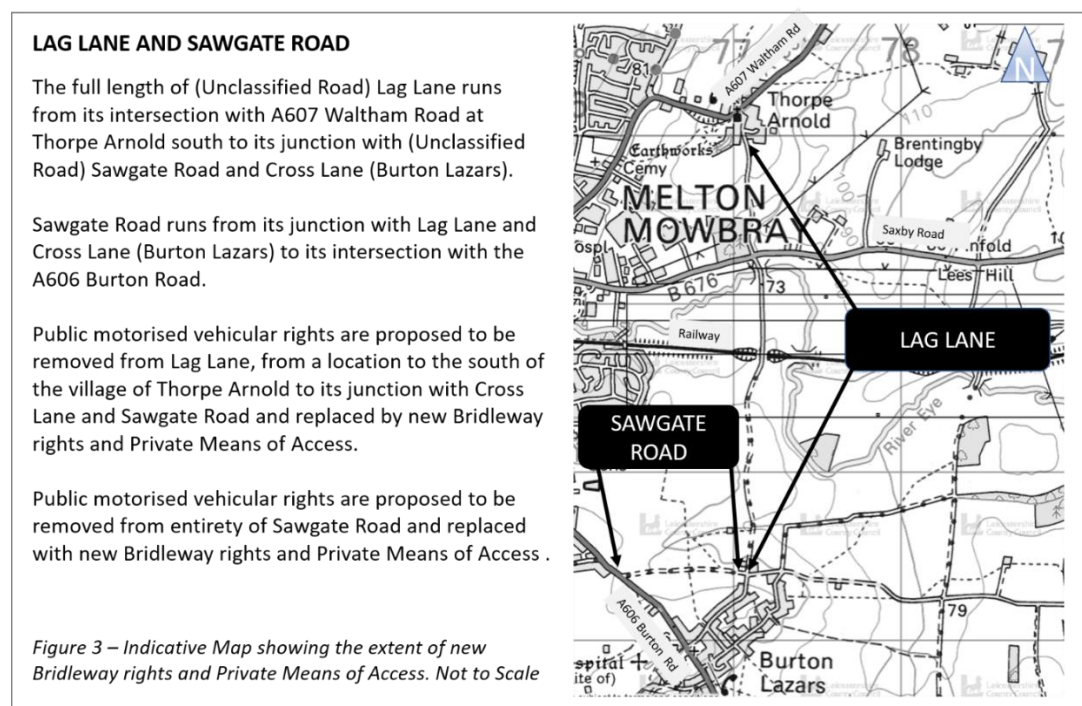
- 8.32 The substantial area of pink CPO land around the location of the new river channel is essential ecological mitigation required as a condition on the planning permission required by Natural England. The three other significant areas of pink shaded CPO land (north and south of River Eye ecological mitigation area) are flood compensation areas required as a condition of the planning permission.
- 8.33 The southernmost bridge span that takes the Scheme across the River Eye channel will accommodate a new bridleway route and a new private means of access.
- 8.34 South of Saxby Road, the new bridleway route will run from the new crossing of Saxby Road at Roundabout 5, heading south along the west of the Scheme. The bridleway crosses the River Eye from the north via the bridge on a track segregated from the carriageway. The bridleway then heads south and south-west along the embankment and loops around (where a turning head is provided to enable movement of equestrian and private vehicle users) and under the most southerly span of the River Eye Bridge. After passing through the bridge span the route joins Lag Lane to the east of the Scheme. A more direct access to the underpass cannot be accommodated to the south of the bridge due to the height of the embankment. This section of the bridleway will be shared with a PMA.
- 8.35 Two new private means of access are provided from the Scheme between Roundabout 5 and the Railway, which enable access to land east and west of the route. A private means of access is also being provided from Lag Lane to enable access to Railway land.
- 8.36 After crossing the Railway, the route heads into cutting until it moves on to embankment on the approach to the final Roundabout 6 (A606 Burton Road).

- 8.37 Two new private means of access are provided between the Railway and Roundabout 6, which enable access to land east and west of the route.
- 8.38 A five-arm non-signalised junction is proposed where the Scheme meets A606 Burton Road. An exit from Roundabout 6 is provided for PMA onto Sawgate Road. Roundabout 6 is on a slight embankment on its northern and south-eastern edge and at grade on its south-western edge. Two access arms to the SSN development will be provided from Roundabout 6, serving the proposed southern distributor road and an entrance to the proposed housing development. New footways are to be provided as follows:
- to the west towards residences and to connect to the existing footways;
 - on both of the arms towards the SSN to enable future connectivity;
 - to the east to connect with the existing footway on the north of the A606;
 - and to connect to a new road crossing to the south of the A606.
- 8.39 A new road crossing is to be installed across the A606 Burton Road, to the south off Roundabout 6. This will connect the Restricted Byway 106 with Sawgate Road. Existing pedestrian and cycle facilities will link with the Scheme's shared pedestrian/cycle track.
- 8.40 Roundabout 6 is proposed to be constructed online with the existing A606 Burton Road. Roundabout 6 has 5 arms, excluding the gated NMU access direct to Sawgate Road, two of which serve the requirements of SSN development allocated in the Local Plan. The location of the roundabout was chosen to meet the constraints that arise in this location, namely:
- the spacing of the SSN roundabout arms;
 - geometrical constraints and design standards leading to the increased size of the roundabout;
 - increasing the visibility splays on the A606 north arm approach to the Roundabout 6, which is already limited by existing landscaping outside of the highway boundary;
 - The potential to give rise to impacts on the Scheduled Ancient Monument of the St Mary and St Lazarus Hospital;
 - potential effects on residents.

- 8.41 Substantial landscaping is proposed at the location of Roundabout 6 to mitigate the visual impacts on housing and the Scheduled Ancient Monument.

NMU Rights of Way

- 8.42 The Scheme will significantly increase the length and connectivity of NMU routes through the provision within the Scheme. The Scheme will create over 10 km of new shared footway/ cycleway adjacent to the proposed carriageway. The Scheme also provides a new, approximately 3.5 km long, dedicated bridleway for the enjoyment of pedestrians, cyclists and horse riders over Lag Lane and Sawgate Road, with vehicle use restricted to PMA only (see Figure 3 below).



- 8.43 The Scale of diversions proposed to enable Rights of Way to safely cross the Scheme have been minimised within design constraints. Although there will be some impact on the character of routes crossing the Scheme, the improvements to existing routes and new routes are considered to significantly outweigh these impacts with an overall significant positive impact on pedestrian, equestrian and cycle routes around Melton Mowbray. The proposals are set out in the Environmental Statement.
- 8.44 The relevant Rights of Way and National Cycle Routes are as follows:

- Footpath E17 currently approximately 290 metres west of where the Scheme meets Scaford Road.

- Footpath E18 (Part of Jubilee Way), currently approximately 120 metres east of where the Scheme meets the dismantled railway.
- National Cycle Route 64 (follows Melton Spinney Road)
- Footpath E25, which runs between Melton Spinney Road and Thorpe Arnold and intersects with the Scheme at Thorpe Brook. Footpath E25 follows the route of an Unclassified County Road (UCR).
- Footpath E4 which follows the egress route of Twinlakes theme park.
- Footpath F2 where it meets Waltham Road, approximately 110 metres north-east of Roundabout 4.
- Footpath F3, at the point at which it meets Waltham Road, approximately 120 metres east of Roundabout 4.
- Footpath E1, currently approximately 310 metres north of Sawgate Road at the point at which it intersects with the Scheme.

9. Purpose of the Orders

- 9.1 The CPO has been made to enable construction of the Scheme. The SRO has been made to enable construction and operation of the Scheme by dealing with all necessary access points, rights of way and highways that interact with the Scheme.
- 9.2 The Orders arise from the Scheme design that gained planning permission on 23rd March 2019.
- 9.3 The purpose of the CPO is therefore to ensure that LCC has all the land it requires and has acquired all the interests necessary to guarantee that the Scheme can proceed.
- 9.4 This includes the acquisition of areas of a landowner's lands which would otherwise be severed from the rest of their holdings, where the access requirements would be difficult, and to provide it would require acquisition of land from third parties that cannot be justified. Plots such as these have been discussed with the landowners in advance of drafting these Orders.
- 9.5 Rights are required to access land to construct and maintain the Scheme. Descriptions of the rights are included in the Schedule and will enable:
- Short term access to allow for the construction of any element of the highway scheme where the scheme footprint is insufficient;
 - Storage of soil;
 - Access to sites for landscaping purposes;
 - Access to site and working area for the purpose of diverting a watercourse and filling in the existing stream bed;
 - Installation of tree protection and other temporary environmental measures such as the protection of ecologically important sites during construction;
 - Access for the construction of environmental mitigation measures such as the River Eye diversion area and flood compensation areas;
 - Access to areas necessary as part of the diversion of Rights of Way;
- 9.6 It is not necessary for the Scheme to acquire land owned by Network Rail to enable the delivery of the new Rail Bridge. The design of the bridge ensures that no part of the bridge sits within Network Rail land. Although the area over Network Rail land is currently covered by a blue rights plot, it is the expectation that rights to construct the bridge will be enabled through a bridge agreement and easement

agreed with Network Rail. Details of set out in Chapter 14 Response to Objections and Representations

- 9.7 The extent and nature of the River Eye Bridge and all watercourse structures along the route have been designed to meet the requirements arising from the extensive flood modelling work that has been carried out and which is necessary to comply with the conditional approval in principle from the Environment Agency and LCC as Lead Local Flood Authority.
- 9.8 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are described in the Schedule to the SRO and shown on the relevant plans to the Order. The Scheme's SRO will allow:
- Improvements to existing Highways;
 - The stopping up of Private Means of Access;
 - The creation of New Private Means of Access;
 - The stopping up of Highway;
 - The creation of new Highway.
- 9.9 Where alterations are being made to existing Rights of Way it is necessary to acquire land and use the SRO to extinguish rights and create new rights. This includes existing Highway where LCC intends to change the rights (as in the case of Lag Lane and Sawgate Road). The intended process is as follows:
- Purchase the extent of the required highway intended to be altered;
 - Remove Highway rights by stopping up through the SRO;
 - Create new Highway rights through the SRO.
- 9.10 In conclusion, the Orders and all the land and interests contained within the CPO are required to enable the Scheme to proceed. The objective of the Scheme is to create a new strategic transport intervention in the form of a distributor road that removes through traffic from Melton Mowbray to ease congestion and enables MBC's ambition for growth as set out in the MLP. The only way to achieve this aim is to acquire sufficient land for the construction of an intervention of a nature and scale that will achieve the required benefits, whilst enabling the mitigation of impacts on residents and the environment.
- 9.11 Site compounds will be used to enable delivery of the Scheme and will accommodate office space, storage for materials and vehicles and car parking for staff. It is intended that the two main site access points will be located at the A606

Nottingham Road / St Bartholomew's Way junction (main site compound) and on the A606 Burton Road immediately east of Melton Mowbray. It is the intention that a Nottingham Road Compound would accommodate the main site offices. The A607 Melton Road north of Thorpe Arnold and the B676 Saxby Road east of Melton Mowbray will also be used as secondary construction traffic access routes. The above roads will provide access to any necessary internal haul routes and site tracks which will provide connectivity within the site, including between temporary site compounds.

10. Need for and Justification for the use of Compulsory Purchase Powers and the Side Roads Order

- 10.1 LCC must be able to guarantee that the land and interests that are needed to provide for the Scheme are available to ensure that the proposal can be built. The land and interests shown in the CPO is that required for that purpose.
- 10.2 The proposal to provide the new road is within the statutory purpose of LCC and the use of CPO powers is the only realistic option to pursue that can ensure the meeting of its statutory function within the shortest possible timescale. Without the CPO LCC will not be able to meet its programme. In doing so LCC is meeting its ambitions as set out in the LTP3 taken together with the supporting policy documents.
- 10.3 Guidance on the use of CPO procedures as referred to in some of the early Council documents was set out in the now superseded Department for Communities and Local Government Circular 06/2004 (listed as *Document (PPG11)* in the “List of Documents”). In that document it was stated that Ministers believe that “compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change” and that they “can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities and the promotion of business leading to improvements in quality of life”.
- 10.4 That Circular continued to identify the factors which the Secretary of State can be expected to consider, in deciding whether or not to confirm a CPO, which included:
- Whether the purpose for which the land is being acquired fits in with the adopted planning framework;
 - The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
 - The potential financial viability of the Scheme for which the land is being acquired;
 - Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

That Circular has been superseded by the publication of the Compulsory Purchase and Crichel Down Rules (listed as *Document (PPG12)* in the “List of Documents”); published originally in 2015 and updated as recently as July 2019. Although the previous guidance has been superseded the approach remains very similar in respect of the matters that need to be assessed.

- 10.5 The matters now required to be identified appear in paragraphs 12 to 15 inclusive of the 2019 guidance and appear under the heading “Justifying a compulsory purchase order”.
- 10.6 In addition, Department for Transport Circular 2/97 (listed as *Document (PPG13)* in the “List of Documents”) provides guidance on the use of compulsory purchase powers. It states that the Secretary of State will not confirm a CPO until he is satisfied that planning permission for the Scheme has been granted. As set out above, that process has been undertaken and planning permission granted for the Scheme. Conditions imposed on that permission will be addressed.
- 10.7 LCC considers that the tests described above are satisfied and that there is a compelling case in the public interest for the confirmation of the CPO.
- 10.8 The SRO will, subject to Confirmation of the Secretary of State for Transport, empower the County Council to stop up existing side roads and private means of access affected by the Scheme, to improve existing side roads, and to create a new cycle track (with right of way on foot) and private means of access as a consequence of the main works.
- 10.9 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are described in the Schedule to the SRO and shown on the relevant plans to the Order.
- 10.10 The Scheme will require alteration of side roads and accesses and the Order made under Sections 14 and 125 of the Highways Act 1980 (listed as *Document (PPG15)* and *Document (PPG16)* in the “List of Documents”) implements these alterations.
- 10.11 The making and confirmation of the SRO will enable LCC to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up private means of access to premises, required as a consequence of the construction of the classified road and; to provide new private means of access to premises as required for the Scheme.

11. Human Rights

- 11.1 LCC has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998 (listed as Document (PPG14) in the “List of Documents”) within section 9 of the Statement of Reasons published in relation to the CPO which related to and accompanied the Orders and LCC relies on the contents of that section as part of this Statement of Case.
- 11.2 The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 11.3 In resolving to make the Orders, LCC has carefully considered the rights of property owners under the Convention against the wider public interest.

Article 1 of the First Protocol to the Convention.

- 11.4 This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the interest and subject to the relevant national and international laws.

Article 6.

- 11.5 This entitles those affected by the Scheme to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.

Article 8.

- 11.6 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

Article 14.

- 11.7 This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

Assessment under the Articles.

- 11.8 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 are to be taken into account in the exercise of LCC’s powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

- 11.9 In light of the significant public benefit which would arise from the implementation of the Scheme, LCC has concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.
- 11.10 In addition to the publicity and consultation on the planning application for the Scheme, all known owners and occupiers of land within the Order Land have been contacted regarding the Scheme. Further representations can be made by way of objections to the Orders in the context of any public inquiry that the Secretary of State decides to hold in connection with the Orders. Those parties, whose interests are acquired under the CPO, will be able to claim compensation under the relevant provisions of the Compensation Code.

12. Special Considerations of the Order Land in Respect of the River Eye SSSI

- 12.1 The largest watercourse in the study area is the River Eye, which is a Main River. The River Eye flows in an approximately westerly direction from the east of Melton Mowbray, through the town centre to Asfordby and then southwest to its confluence with the River Soar at Rothley. The water body is currently of Poor Ecological Status (from Moderate in 2009) but is at Good Chemical Status.
- 12.2 The River Eye in the vicinity of the proposed development is an SSSI for which Natural England (NE) published a Strategic Restoration Plan in 2015. The SSSI is designated for being an exceptional example of a semi-natural lowland river and covers 13.65ha and 7.5km between Stapleford and Melton Mowbray, which is approximately 40% of the total river length. The SSSI condition is currently classified as 'Unfavourable – No change'. The SSSI designation is mapped for the river channel only, but the channel should not be considered separate from the floodplain.
- 12.3 The section of the River Eye to be diverted is in 'unfavourable- no change' condition with no current known prospect for this to significantly improve. Substantial restoration and enhancement for the wider River Eye is being designed to deliver effective mitigation in the form of restoration. As part of the river diversion, the existing channel will be retained offline to provide additional mitigation habitat for wetland plant, vertebrate and invertebrate communities. The extent of permanent habitat loss in the vicinity of the River Eye would be minimised as far as reasonably practicable. Landscape design for the proposed Scheme and the restoration and enhancement planned for the wider River Eye will include areas for habitat reinstatement and creation of species-rich semi-improved floodplain grassland. The proposals would create a wider wetland area than currently exists, supporting achievement of net gains in biodiversity.
- 12.4 The diversion represents an opportunity to contribute to the achievement of a future 'favourable' condition for the River Eye SSSI and provide environmental enhancements consistent with the objectives of NE's River Eye Strategic Restoration Plan. It can deliver significant restoration of the River Eye along what is currently a degraded reach with poor flow conditions, lack of morphological diversity, and excess bed sedimentation.
- 12.5 Due to the sensitive nature of the SSSI, the design process for the new river channel has incorporated hydro-morphological design and modelling, flood risk

management, and species relocation plans. NE and the EA have been consulted throughout the development of the river diversion design.

- 12.6 Desk studies and field surveys of the channel typology have identified that the natural channel form and function throughout this area is passively meandering, but the river has been historically straightened, widened and deepened over a considerable distance in the vicinity where the diversion is proposed. The meander forms that can be observed downstream of Lag Lane, and upstream around Brentingby village, are representative of a more natural morphology than the relative straight reaches near the proposed Scheme. Realigning the river provides an opportunity to re-meander the river closer to its natural form and process, which would be consistent with SSSI restoration objectives. This enables the provision of a substantial restoration and enhancement for the wider River Eye which is being modelled and designed to deliver effective mitigation in the form of restoration.
- 12.7 The diversion of the River Eye also moves the river channel further from the B676 Saxby Road and therefore from the proposed Roundabout 5 junction between the Scheme and the B676 Saxby Road. This moves the river further from the lighting associated with Roundabout 5. In the longer term, the diversion of the river will have a lesser impact on species using the riparian corridor than if the road had been developed with the river in its current position.
- 12.8 The construction of the diversion, new bridge, and the demolition of the existing Lag Lane Bridge would be carried out offline from the River Eye. This would reduce the risk of adverse effects during construction works from contaminated runoff, chemical spillages, and from masonry, materials and equipment falling into the channel.
- 12.9 The bridge over the River Eye is proposed to be a four-span structure of a total length of 55m. A large number of designs have been considered in the option analysis process; in particular, options involving piers in the river were rejected due to the permanent impact on the river flow. The four-span structure is necessary to enable water to travel under the bridge in flood conditions, with the design being informed by EA requirements that could not be met with a shorter structure. The bridge will create areas of shaded habitat along the river and an area of its embankment to the north and south of the River but will allow species to pass underneath the bridge at several locations, rather than being restricted by embankments when moving further from the river. The River Eye bridge (alongside

bridges at Thorpe Brook and Scalford Brook) have an open span design with abutments set back at least 2m from the top of the banks to facilitate wildlife passage and maintain continuum of the river banks to minimise any adverse impact on ecology and river processes (i.e. flows and sediment transport). The bridges will all contain mammalian ledges.

- 12.10 The proposal for the mitigation of impacts on the SSSI has been developed with guidance from Natural England and the Environment Agency. The project team will continue to work with both organisations to develop detailed proposals and a post works management plan.

13. Other Special Considerations

Highway Interests

- 13.1 Part of the Order Land is in the ownership of the County Council, a body charged with the provision of highway facilities in the area. LCC supports the Scheme and its statutory obligations, rights and powers have been taken into account in the development of the proposals.
- 13.2 The buildings at Sysonby Farm, opposite St Bartholomew's Way, are to be demolished as part of the Scheme. These buildings, which are owned by LCC, include farm buildings and housing and are untenanted and in poor state of repair.
- 13.3 In the Statement of Case the position was set out as follows, "the rail bridge that forms part of the dismantled railway that sits to the north of Melton Country Park is to be demolished. The bridge is in a poor state of repair and has been identified as a safety concern during the construction phase." Since that time the matter has moved on with more information becoming available in respect of both the condition of the bridge and also the use of it by bats. As a direct consequence of that, it has been decided not to demolish the bridge unless it becomes a necessity following the construction of the Scheme. The Council's expectation is that it will not require demolition, but the situation will be monitored to ensure that it remains safe to leave it. There are no consequences arising from that decision in terms of land take or any other consequence for the Scheme.

Funding

- 13.4 Funding is in place for the Scheme and for the avoidance of doubt this remains the position following the impact of the COVID-19 virus. The scheme cost included in the OBC submission and reported at Cabinet in July 2018 was £63.5m; this sum excludes DfT disallowed costs such as optimism bias and contingency (contingency estimated at approximately £5.2m at that stage) but allows for risk cost and inflation at 3% per annum.
- 13.5 The estimated cost of the Scheme is now £85.3m. The Council has also allowed for an additional £5m of contingency to its programme to support the scheme. The Scheme cost has increased from the previous forecast of £73.4m and represents an overall increase of £21.8M since the OBC was submitted in 2017. A significant proportion of this cost increase and included in the previous estimate of £73.4m is as a result of unusual site conditions and flooding issues, uncovered by preliminary

investigation work. This necessitated substantial additional ground investigation, flood modelling work and specialist ground improvement construction proposals. Further costs have arisen as a result of additional environmental surveys and mitigation proposals required as a condition of the planning application approval.

13.6 The additional pre-construction work undertaken is expected to benefit the Scheme through:

- Avoidance of costly reposition works of powerlines over River Eye;
- Identification of extremely poor ground conditions that were unknown when OBC submitted – possible additional significant cost and programme impacts now avoided if construction had started before conditions were fully understood.
- Avoidance of potential remedial works or reputational damage due to greater understanding of traffic impacts of construction works.

13.7 In preparing for submission of full business case LCC undertook a further review of costs during spring and summer 2021. Given significant increases, up to 30% in some instances, on key construction materials such as steel, concrete and aggregates, the issues with supply following Britain's exit from the EU together with increasing demand for resources within the industry LCC undertook a full costing exercise with Galliford Try to ensure costs were realistic in these conditions. In addition to this LCC also commissioned an independent review of the scheme estimate to ensure its robustness.

13.8 Following this work LCC concluded that additional provision for inflationary increases, design costs, risk and uncertainty should be included in the scheme estimate. This resulted in the current estimate of £85.3m. The Council has also allowed for an additional £5m of contingency to its programme to support the scheme.

13.9 Undertaking this preliminary work will reduce risk of cost escalations during the construction phase.

13.10 The funding arrangements have been regularly reported to LCC Cabinet to ensure the Scheme can proceed. LCC will continue to keep these matters under review in accordance with the preparation of the FBC referred to earlier.

13.11 To summarise the current position, the Scheme preparation and construction will be funded from a combination of national government and local contributions. The

local contributions are made up of LCC, Leicester and Leicestershire Enterprise Partnership (“LLEP”) funding, S106 developer contributions and private sector contributions. This local contribution, excluding LEP funding and contingency, currently totals approximately £31.8m, which represents 37% of the total Scheme cost.

- 13.12 LCC will forward fund a contribution against developer contributions in advance of their receipt, thereby enabling the accelerated delivery of housing growth, whilst simultaneously delivering the necessary transportation infrastructure without placing an undue upfront financial burden on developers. This position is confirmed by way of letter from the Council’s Section 151 officer at Appendix A.
- 13.13 Anticipated developer contributions for the Scheme that would require consent by Melton Borough Council as the Local Planning Authority at OBC were £10m, the currently identified level is approximately £10.5m. It is reasonably expected that on top of this further contributions could be identified as additional S106 development comes forward, subject again to approval by Melton Borough Council. This position is being further strengthened through work on a Developer Contributions Supplementary Planning Document that seeks to prioritise strategic highways contributions. LCC have been consulted on this document expected to be adopted in September 2021 subject to consultation.
- 13.14 In May 2018 DfT announced that the programme entry bid to the Large Local Majors fund for £49.5m towards the Scheme had been successful. This funding is subject to approval of the Full Business Case programmed for submission this year.
- 13.15 In February 2020 the LLEP conditionally approved an application to its Business Rates Pool Programme for funding of £4m to support the Scheme.
- 13.16 At its meeting on the 24 March 2020 the Cabinet noted the latest position with regard to cost. In a supplementary Cabinet report regarding the overall financial commitment to both the Scheme and the southern MMDR proposal the County Council confirmed that it “remains committed to progressing further the northern and eastern legs of the Distributor Road”. 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.

- 13.17 As previously stated, and defined in the OBC, the Scheme is strongly beneficial with an adjusted BCR of 3.12. Updates to the Business Case have already been carried out to further understand the benefits and the scheme should proceed. In the development of the Full Business Case there will be further consideration of new DfT traffic forecast figures and update to assumptions regarding the southern link of the MMDR.
- 13.18 The target cost will be finalised and approved prior to the submission of the FBC using the Medium Schemes Framework 3 (“MSF3”) contract that is provided through the Midlands Highways Alliance (“MHA”), of which LCC is a member. These costs will be used to inform the final benefit cost ratio for the Scheme, but initial assessments show the scheme continues to offer value for money against DfT’s criteria.

Statutory Undertakers

- 13.19 Equipment and structures owned, operated and controlled by the various Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme in accordance with LCC’s responsibilities. There are various legislative provisions including a wealth of secondary legislation which applies and is relevant in the context of the potential interference of the Scheme with the equipment and structures. LCC will meet its obligations in relation to such matters arising from those various provisions in accordance with any specific guidance that applies.
- 13.20 An estimate of costs of materials and labour have been provided by the various utilities companies and drawings have been prepared setting out the likely protection, diversion, extension and or improvement works.
- 13.21 The list of utilities undertakers that need to be considered in respect of the Scheme are:
- i. Severn Trent Water
 - ii. Western Power Distribution
 - iii. Cadent and GTC
 - iv. BT and Virgin Media
 - v. Network Rail

13.22 LCC is engaging with Severn Trent Water on a regular basis with regard to diversions required for the construction of the scheme. Water mains and sewers utilities works are required at:

- Proposed Roundabout 1 (Nottingham Road);
- Proposed Roundabout 4 (Waltham Road);
- Proposed Roundabout 5 (Saxby Road) and
- Proposed Roundabout 6 (Burton Road).
- In the vicinity of the scheme between A607 Waltham Road and B676 Saxby Road and between B676 Saxby Road and A606 Burton Road

13.23 LCC is also working with Severn Trent Water to accommodate their proposal for a new main trunk water pipe. It is proposed that the pipework is accommodated under the Scheme's shared cycle/footway between Roundabout 4 (Waltham Road) and Roundabout 6 (Burton Road). Working together to provide this solution will reduce the likelihood that the new Scheme carriageway will be subjected to works following construction and limit disturbance to the network and road users. The collaborative design work is underway and a construction phase agreement is being drafted.

13.24 LCC is working with Western Power Distribution (WPD) regarding the design of diversions to enable the Scheme to be constructed. Electricity utilities related works are required across the whole scheme, including at the location of all proposed new roundabouts. An Asset Protection Agreement has been entered into by the Council and WPD. WPD has since withdrawn its objection to the Orders.

13.25 LCC is also facilitating the installation of new WPD cables along the scheme. Working collaboratively to provide a solution will reduce the likelihood that the new Scheme carriageway will be subjected to works following construction and limit disturbance to the network and road users.

13.26 In respect of Gas, LCC is working with Cadent and GTC regarding the design of diversions to enable the Scheme to be constructed. Works are required to gas utilities infrastructure at:

- Proposed Roundabout 1 (Nottingham Road – GTC and Cadent);
- Proposed Roundabout 3 (Melton Spinney Road - Cadent);

- Proposed Roundabout 6 (Burton Road - Cadent).
- In the vicinity of the scheme between Scalford Road and Melton Spinney Road (GTC) and between Melton Spinney Road and A607 Waltham Road (Cadent).

13.27 Telecom related diversion works are also required at the location of all proposed roundabouts for the Scheme. LCC is working with BT and Virgin Media to agree diversions and understand likely cost.

13.28 LCC have had regular engagement with Network Rail during the development of the Scheme. A Clearance application has been submitted by Network Rail Property for the granting of a Licence agreement with regard to permanent easement rights and temporary access areas required for the Scheme. LCC and Network Rail have entered into the Two-Party Overbridge Agreement. Network Rail have objected to the Orders but have stated that once the Deed of Undertaking is completed the Objection can be withdrawn. The Objection and response are set out in paragraph 14.12 of this Report.

Heritage

13.29 The whole of the Scheme is in the administrative area of Melton Mowbray Borough Council. There are no Conservation Areas affected by the Scheme and the position for other heritage resources is as described above, especially those for listed buildings and Scheduled Monuments.

13.30 There are no Scheduled Monuments on the site but there are three within the 1km study area around the Scheme, namely:

- i. Sysonby Grange: located approximately 270 m to the west of the proposed junction between the Scheme and A606 Nottingham Road;
- ii. Moated Grange at Spinney Farm: located approximately 175 m from the site boundary and 375 m north of the new road alignment between Scalford Road and Melton Spinney Road; and
- iii. The Scheduled Monument of the hospital, fish ponds and moated site at Burton Lazars: located approximately 350 m to the south of the proposed Scheme directly to the west of Burton Lazars.

Local Council

13.31 Discussions have taken place with the Borough Council who are supportive of the Scheme.

13.32 The Parish Councils of areas impacted by the Scheme attended a Launch Event and were invited to participate in the Recommended Route consultation. No adverse comments have been received from the Parish Councils. Ab Kettleby Parish Council stated that they “agree that something needs to be done to ease the congestion in Melton Mowbray and are happy with the plan and have no objections.”

14. Implementation of the Scheme

- 14.1 The Scheme will be implemented by LCC. The current intention is to undertake the advanced works set out in paragraphs 1.40 to 1.42 prior to confirmation of the orders, commencing early 2022 and to be complete by late 2022. Subject to completing the relevant procedures to acquire the land, the intention is then to start main works on site in late 2022. The main works are currently programmed to take approximately 24 months from starting on site to completion. The majority of the road will be constructed offline and the impact of most construction works on nearby residents will be reduced by the location of the Scheme, which is largely away from residential areas.
- 14.2 Site compounds will be used to enable delivery of the Scheme and will accommodate office space, storage for materials and vehicles and car parking for staff. It is intended that the two main site compounds will be located at either end of the Scheme. The main site compound will be located to the east of A606 Nottingham Road / St Bartholomew's Way junction on LCC land. LCC will rely on permitted development rights for the detailed location of this compound
- 14.3 A compound is proposed near to the A606 Burton Road adjacent to the proposed Roundabout 6. The location of a compound at Roundabout 6 is critical to scheme delivery as, in the early phases of the scheme (particularly prior to construction of the River Eye bridge), access to the site between land to the south of the River Eye and Burton Road is very restricted other than from the southern end of the scheme.
- 14.4 Discussions are taking place with those with an interest in land along the Scheme with regard to additional, smaller satellite compounds. This will be adjacent to scheme and will be delivered using permitted development rights.
- 14.5 Soil storage areas are necessary for the construction of the scheme and have been included in the CPO as rights plots. This is in contrast to land acquisition plots identified in Table 1, where the land may be capable of being offered back, such as those required for haul routes or compounds; in this case the nature of the land is likely to change significantly through the creation of new temporary roads, drainage and other utilities services, whereas the soil storage areas will remain essentially unchanged and may be required for a shorter period of time. The storage areas required for the scheme are:
- South east of the proposed Roundabout 2 at Scalford Road;

- North west of the proposed Roundabout 3 at Melton Spinney Road;
- East of the Scheme between Roundabouts 3 and 4;
- East of the Scheme between Roundabouts 4 and 5;
- West of the Scheme and north of the Melton to Peterborough Railway;
- To the east of the proposed Roundabout 6.

14.6 Other areas of land are required for specific purposes:

- Short term access to allow for the construction of any element of the highway scheme where the scheme footprint is insufficient;
- Access to sites for landscaping purposes;
- Access to site and working area for the purpose of diverting a watercourse and filling in the existing stream bed;
- Installation of tree protection and other temporary environmental measures such as the protection of ecologically important sites during construction;
- Access for the construction of environmental mitigation measures such as the River Eye diversion area and flood compensation areas;
- Access to areas necessary as part of the diversion of Rights of Way;

14.7 As part of the development of the OBC, during Early Contractor Involvement (ECI), the contractor drafted a programme setting out the phasing and dates for construction. This programme was developed in the early stages of design and certain assumptions were made with regard to the likely outcome of the detailed design process, on a “worse-case” scenario.

14.8 Due the complexity of the Scheme, it is anticipated that the road will not be constructed sequentially i.e. starting at one location and moving to the next site on completion. Activity will take place concurrently across multiple locations, whilst ensuring that traffic impacts are minimised. The ECI construction programme assumes that the works would first occur at three of the six roundabouts although the programme would be split into a number of different phases to coordinate the works in a manner that would, where possible, enable effective materials re-use and minimise disruption.

14.9 Other principles of construction were set out by the Scheme's appointed contractor, Galliford Try, during the mini-competition tender period and are as follows:

- Reducing congestion and promoting a positive perception by motorists, we would programme the roundabout tie-ins to avoid multiple instances of temporary traffic management on the network at the same time. With the exception of Roundabout 6 (Burton Road), roundabouts are to be constructed offline, which will substantially reduce the Scheme's impact on the local road network.
- Earthworks will be phased to align with the optimal seasons from the perspective of health and safety risk and more challenging weather conditions. Topsoil strip and earthworks will take place early in the programme to allow for settlement periods.
- Structures will be constructed early in the programme, ideally during the first winter period.

14.10 The traffic generated by Scheme construction will vary depending on the location and type of activities taking place but is likely to generate approximately 100-130 HGV movements per day. It is not anticipated that any construction traffic would be routed through Melton Mowbray and these numbers are below levels considered significant in terms of local traffic.

14.11 Traffic modelling is to be used to assess the potential impacts of the construction phase on traffic in the town. This will enable possible amendments to traffic management proposals and better communication with the public.

14.12 The routes for construction traffic cannot be finalised with certainty at this stage, but it is anticipated that the majority of construction traffic would access the site from the following two main accesses:

- A606 Nottingham Road / St Bartholomew's Way junction to the north west of Melton Mowbray, with the main temporary construction compound likely to be on Council land located to the north of proposed Roundabout 1 and the east of the A606;
- A606 Burton Road to the south west of the town, with a satellite construction compound to be located between the A606 Burton Road and Sawgate Road.

- The A607 Melton Road north of Thorpe Arnold and the B676 Saxby Road east of Melton Mowbray will also be used as secondary construction traffic access routes. The temporary site compounds will accommodate all large HCVs, HGVs and staff / contractor parking.
- 14.13 The above roads will provide access to the internal haul routes and site tracks, which have been assessed as providing essential safe connectivity within the site, including between temporary site compounds. Additional access points could be utilised from Scalford Road and Melton Spinney Road. These are expected to be served by only smaller vehicles, for example light goods vehicles and 3 axle tipper trucks. Heavy Commercial Vehicle or Heavy Goods Vehicle movements may need to cross these routes via appropriate controlled crossings but will normally take place on internal site haul routes and within the temporary site compounds.
- 14.14 An Outline CTMP has been submitted with the planning application and a CEMP is also being prepared in advance of construction. Measures detailed in these plans will be informed by recommendations in the ES to minimise the impacts of Scheme construction on local communities and the environment. The preparation of a CEMP is a condition of the planning permission.
- 14.15 LCC is of the view that early 2022 is the earliest possible start date allowing for an Inquiry into the Orders.
- 14.16 LCC is satisfied that there are no foreseeable barriers to the implementation of the Scheme and that funds will be available to secure the Scheme. LCC's commitment to the Scheme delivery is set out in its Medium-Term Financial Strategy 2020/21 to 2023/24, subject to DfT's approval of the Full Business Case. All relevant considerations are in place to achieve a start date of early 2022, subject to the successful outcome of the consideration of the Orders.

15. Response to Objections and Representations

- 15.1 Twenty-one Objections have been received by the Department for Transport in respect of the Orders. Four objections have been withdrawn prior to this Proof of Evidence being prepared.
- 15.2 LCC has considered all of the 21 letters of objection and remains satisfied as to the justification of the Orders and that all the land shown within the CPO as being the Order Land is required, with the exception of any modifications which LCC will promote.
- 15.3 The points of objection which have been made and LCC's response to those points, unchanged from the Statement of Case, is set out below along with a new section describing the current situation.
- 15.4 The following list of objectors follows the order that the objections were delivered to DfT.

15.5 Objections by Unidentified Individual due to Redacted Details (DfTObj01)

15.5.1 Grounds of Objection

- a) This individual objects to the general Scheme, claiming it will spoil the countryside and people will still drive through Melton Town.

15.5.2 Council's Response to the Objections

- a) LCC has not been able to engage with this Objector as all relevant details were redacted. LCC would indicate that considerations relating to the need for the Scheme, the effectiveness of it to address traffic considerations including the traffic relief that will be achieved as well as all environmental consequences and how they can be addressed were taken into account as part of the Planning Application. That assessment resulted in a positive grant of planning permission as set out earlier in this Statement.

Leicestershire County Council has considered in depth the impacts on the countryside and wildlife throughout the route corridor and addresses matters including, nature, conservation of habitats, public rights of way, highway implications, noise, vibration and air quality. The scheme is fully compliant with the National Planning Policy Framework and the Melton Mowbray Local Plan.

The new road seeks to minimise the environmental impact on people, flora and fauna, including landscape and visual impacts whilst enabling it to support both future development and growth.

A comprehensive Transport Assessment identified the likely traffic related impacts of the scheme and has considered future development which forecasts that the new road scheme design will accommodate the traffic flows which are likely to reassign onto the new road and will remove significant traffic volumes from Melton Mowbray town centre.

15.5.3 The Current Position

- a) Withdrawn.
-

15.6 Objections by Western Power Distribution (DfTObj02)

15.6.1 Grounds of Objection

Existing infrastructure belonging to Western Power Distribution (“WPD”) is within the Order Land and WPD has submitted the objection to protect its statutory rights pursuant to the Electricity Act 1989. The objections are listed below.

- a) The Order documents do not fully detail WPD’s interests.
- b) The impact of the scheme on WPD’s statutory obligations to distribute electricity.
- c) There is no legally binding arrangement for the protection of WPD’s apparatus both during construction and operation of the Scheme.
- d) The legal position regarding the statutory rights of WPD’s apparatus in stopped up highway is insufficiently clear such that it may be unable to perform its statutory obligations.
- e) The Order documents do not sufficiently describe the design and construction of the Scheme such that the potential implications cannot be fully understood.
- f) The Order documents provide insufficient information for WPD to understand how it will continue to fulfil its statutory obligations pursuant to the Electricity Act 1989 and its distribution licence.

15.6.2 Council’s Response to the Objections

- a) This comment relates to all the points (a to f) raised above by the objector. LCC is currently in negotiations with WPD for an Asset Protection Agreement and is confident that this objection will be resolved prior to the Inquiry. In any event the objector's interests will be protected during and post construction of the Scheme.

15.6.3 The Current Position

- a) Asset Protection Agreement completed, and objection withdrawn.
-

15.7 Objections from Mr G. Brooker (DfTObj03)

15.7.1 Grounds of Objection

- a) Mr Brooker questioned why he did not receive formal Notice of the CPO and SRO.
- b) Mr Brooker objects to the lack of turning head provision at the proposed stopping up point of Lag Lane at point K shown on Plan 5 of the SRO documentation.

15.7.2 Council's Response to the Objections

- a) 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.
- b) LCC has taken the decision to propose the stopping up of Lag Lane from point "k" shown on SRO Plan 5 and for its entire length to the south (intersection with Sawgate Road) and create new bridleway with gating or similar form of restriction for motorised vehicles. This decision was taken due to Lag Lane being no longer required as highway for public motorised vehicles as the Distributor Road would be open for this purpose.

The possibility of providing a turning head at the proposed gate at the most northerly point of the stopped up Lag Lane was considered as part of the design process and discussed at consultation during the planning stage. Responses during the planning consultation stated residents' concerns questioning the need for a turning head and citing that the majority of households on Lag Lane had adequate parking or turning, which visitors were able to use.

Potential concerns included the additional land requiring acquisition, and that a turning head would become a hotspot for fly tipping, trespass and other undesirable activities. The option for a providing a turning head was not pursued.

Surveys (listed as Document (SAD11) in the “List of Documents”) have been undertaken to monitor traffic movements in the village and will continue on completion of the scheme.

15.7.3 The Current Position

- a) The Council has been engaged in negotiation with Mr Brooker. Both the Council and Mr Brooker recognise the turning of vehicles is an existing issue. The Council has offered multiple measures to mitigate against turning including temporary signage, permanent signage, private signage, proactive updates to GPS mapping providers, and post scheme monitoring. Moreover, the scheme benefits residents of Lag Lane by removing through traffic and providing a more suitable route which traffic will reassign to. The Council has detailed the approach to that part of Lag Lane to be stopped up and over which new bridleway rights will be created. Nevertheless, negotiations have reached an impasse and it is expected this objection will need to be considered at the Inquiry.

15.8 Objections from Mrs R Spencer and Mr R J Spencer (DfTObj04)

- 15.8.1 Although Mr and Mrs Spencer objected originally to the Scheme the Objection was withdrawn in writing dated 17th December 2020. As such LCC would not seek to add anything at this stage other than to thank the objector for the withdrawal letter.

15.9 Objections from Asfordby Storage & Haulage (DfTObj05)

15.9.1 Grounds of Objection

The Objectors have raised a number of points, of which LCC would regard four as objections to the Scheme Orders with three additional matters raising more general comments. The objections are listed as items (a) to (d) and (e) and (g) relate to comments.

- a) The request is made to move new Bridleway (Route of New Highway 16) shown on SRO Plan 5 closer to the roundabout to reduce land take.
- b) The claim is made that there has been a failure to acquire land and rights by agreement.
- c) The landowner is uncertain about the permanency of rights acquired for Plot 92 and seeks an agreement with LCC to commit to returning rights following completion of the Scheme.
- d) The objector raises two procedural issues relating to notices and to whom objections should be directed.
- e) It is claimed that the Scheme does not consider the Manufacturing Zone properly.
- f) It is suggested that there will be increased noise and vibration impacts on nearby buildings.
- g) The objection states that the site will become less secure as a result of the Scheme.

15.9.2 Council's Response to the Objections and Comments

- a) The Bridleway has been located to ensure that it provides a safe facility as part of the design of the overall Scheme. Design standards dictate how close the crossing can be on the grounds or safety for both NMU and vehicle users. This is based on the Safe Stopping Distance which is a factor of visibility, speed of the road and horse and rider reaction time. The Pegasus crossing has been located as such to provide a safe crossing point to avoid conflict between equestrian users and motorised vehicles.
- b) The approach to the acquisition of land is set out in Section 4 of the Statement of Reasons. The approach to the acquisition of land is one where early engagement with landowners is encouraged and that has taken place in this case. Meetings have taken place with the landowners during the Scheme development to discuss matters related to land and access and as part of the Gateway Review process. LCC is keen to continue this engagement. There is no requirement that agreement be reached or otherwise before the use of CPO powers is pursued and authorised.

- c) All the areas of land are required to enable the Scheme to be developed and constructed. Areas shown on the CPO are those required to provide the land or other interests needed to enable the Scheme to be built. At present there is no power available to allow land or rights to be acquired for temporary purposes. LCC must therefore ensure it has sufficient access to allow the Scheme to be constructed. LCC has made it clear previously that once the Scheme is complete if it is possible to offer land or rights back to the current owners that is the approach that LCC will take. Although Plot 92 is not included in Table 1 of the Statement of Reasons it has been agreed with the landowner that LCC will develop a separate agreement to enable them to withdraw this element of their objection.
- d) The matters raised as procedural issues have been addressed and do not prevent the Orders from being considered at the public inquiry.
- e) It is a part of the justification for the Scheme that it enables future growth to take place in Melton Mowbray. The Zones are enabled by the new road, which will provide essential strategic access. LCC's approach has therefore been to bring forward a Scheme that complies with the relevant standards and guidance whilst seeking to minimise land take to that which is necessary. The Manufacturing Zones for Melton Mowbray are at the early concept stage and at the point of the Scheme planning submission there were no site proposals. The Zones do not form part of the adopted Melton Local Plan. LCC is not seeking to take any more land than is necessary for the proper provision, operation and landscaping of the Scheme.
- f) There are currently no buildings in the immediate vicinity of the Scheme at this location. The assessment of the environmental effects of the Scheme, in respect of noise and air quality implications, have been set out in the reports which accompanied the planning application. These are the AECOM report entitled ES Volume II - Non-Technical Summary & Figures, and in respect of noise ES Volume II - Figures 11.1 to 11.9 (listed as *Documents (P13) and (P14a to 14d)* in the "List of Documents"). In short, the reports demonstrate that:
- with respect to noise, whilst there will be increases in noise levels at properties close to the Scheme, the final noise levels will generally remain

low. During the construction phase measures will be taken to reduce noise impacts, these measures will be outlined in the CEMP.

- Impacts in terms of vibration will largely be limited to the construction period and will be restricted in extent and duration.
- g) LCC will take reasonable measures to make the site secure both during construction and following completion. This matter will be discussed further with the landowner.

15.9.3 The Current Position

- a) The Council has been engaged in negotiation with Asfordby Storage & Haulage. The principle issues relate to the land take required for the new Bridleway and the rights plot 92 which is for a works area. The plots are within an East Midlands Manufacturing Zone (“MAZ”) pilot. The land required for the new Bridleway is necessary due to design constraints, principally its proximity to the roundabout. Alternatives such as an underpass or bridge are not feasible or reasonable due to flooding and cost. The MAZ pilot has no legislative or planning policy status but Melton Mowbray Borough Council documents do show the NEMMDR passing through the MAZ. Negotiations have failed on the basis that the objector does not accept the MAZ is predicated on the NEMMDR. It is expected this objection will need to be considered at the Inquiry, save that the Council will seek to modify the CPO to remove Plot 92 thereby removing any grounds of objection in relation to this plot. This plot can be removed from the CPO following a review of the working arrangements in this area.

15.10 Objections Raised by Mr Bell (DfTObj06)

15.10.1 Grounds of Objection

- a) That additional planned growth for Melton Mowbray has not been taken into consideration and that traffic, including HGVs, accessing the Tesco superstore / Royal Mail Delivery Office area will need to continue to use Thorpe Road, and therefore the Saxby Road / Norman Way / Thorpe Road junction or traverse through Thorpe Arnold. The objector states that, to address these, concerns an additional link road between roundabout 5, at its junction with Saxby Road and Crossfield Drive, is required.

- b) That, in respect of point 2, road traffic accidents at the above junction and through Thorpe Arnold will continue to occur.

15.10.2 **Council's Response to the Objection**

- a) The Scheme benefits from planning consent, reference 2018/Reg3Ma/0182/LCC, and is fully compliant with the National Planning Policy Framework and the Melton Mowbray Local Plan. The highway design is compliant with Design Manual for Roads and Bridges.

- b) As part of the planning submission, a comprehensive Transport Assessment (TA) was developed in accordance with national guidance (listed as *Document (TG3)* in the "List of Documents") and has been independently checked. This assessment takes into consideration additional growth in an area arising from any planning commitments and the growth arising therefrom.

The Transport Assessment forecasts that the Scheme design both accommodates the traffic flow which is likely to re-assign onto the NEMMDR and will remove significant traffic volumes from Melton Mowbray town centre. In particular it is forecast that Thorpe Road will experience a decrease in overall traffic following delivery.

As part of the design process, a Road Safety Audit was undertaken in relation to local roads directly affected by the Scheme, including the area around Thorpe Arnold. Recent recorded accident data (listed as *Document (SAD12a & b)* in the "List of Documents") for this area reveals that there have been 2 recorded accidents, 1 serious and 1 slight in the last 5 years. The amount and severity of accidents is below intervention levels and does not justify additional measures.

15.10.3 **The Current Position**

- a) The Council has continued to discuss the Scheme with Mr Bell but these discussions have not been to Mr Bell's satisfaction. The Council's position remains as set out in the SoR and SoC. It is expected this objection will need to be considered at the Inquiry.

15.11 **Objections raised by Network Rail (DfTObj07)**

15.11.1 **Grounds of Objection**

Network Rail does not object to the principle of the Scheme but wishes to ensure that its interests are protected. The LCC has given the assurance that NR's interests will be protected as part of the development of the Scheme. NR has four matters that it wishes to be considered as part of its objection which will need to be addressed in order for the objection to be removed.

- a) Clearance and approval certificates will be required.
- b) CPO Plot 117 seeks to exclude others from that area which is not acceptable as it is a live railway corridor.
- c) Further details in respect of Plot 118 are required to enable the potential effect to be judged.
- d) Any works to be undertaken on or over NR land must accord with an agreement to be entered into between the parties.

15.11.2 **Council's Response to the Objection**

LCC understands that the internal procedure that had to be undertaken has been completed and although certain conditions remain to be addressed nothing in principle remains between the two parties. LCC will seek to confirm the position in respect of that, but it is anticipated that a position will be reached enabling the objection to be withdrawn. LCC will, in respect of this objection as it will with all seek to protect Network Rails interests and in order to do so are engaging with Network Rail to fully comply with the processes and standards for construction work over and under the railway. Regular progress meetings are being held between the parties.

- a) Clearance with regard to the new overbridge for the Scheme has been approved and LCC has signed the Two Party Overbridge Agreement (TPOA), which is awaiting countersigning by Network Rail. Clearance is required for the temporary works related to the use of the existing Lag Lane rail bridge as a construction route and drawings are now in the process of approval.
- b) This matter was discussed with Network Rail at the meeting of the 10th November 2020. It was stressed by LCC that it was not the intention to use CPO powers to prevent Network Rail from accessing the land at Plot 117. A Deed of Undertaking is being prepared by Network Rail for review and signing; this document is the overriding agreement which, once agreed, will enable Network Rail to withdraw its objection and representation. LCC will amend the

wording of Plot 117 in the CPO schedule should it be decided that this is necessary.

- c) With regard to Plot 118, LCC has provided Network Rail with sketches showing the options with regard to the temporary works necessary for the haul route. Clearance is required for the temporary works related to the use of the existing Lag Lane rail bridge as a construction route and drawings are now in the process of approval. Once the TPOA and necessary approved clearances and agreements are in place this will enable Network Rail to withdraw their Objection.
- d) Clearance with regard to the new overbridge for the Scheme has been approved and LCC has signed the TPOA, which is awaiting countersigning by Network Rail. Clearance is required for the temporary works related to the use of the existing Lag Lane rail bridge as a construction route and drawings are now in the process of approval.

15.11.3 **The Current Position**

- a) The Council continues to engage with Network Rail to satisfy their requirements. The Two Party Overbridge Agreement has now completed. In August 2021 NR prepared a Deed of Undertaking, a Deed of Grant – Temporary Bridge, and a Deed of Grant – Permanent Bridge. The deeds are under review by the Council. NR have indicated completion of the Deed of Undertaking will enable NR to withdraw its objection. It is expected that the Deed of Undertaking will be completed, and the objection withdrawn, prior to the Inquiry.

15.12 **Objection by Mr C. Skelton (DfTObj08)**

15.12.1 **Grounds of Objection**

- a) The Objector regards part of the Scheme as being unsafe and requests a dedicated provision to enable the movement of livestock. In addition, various considerations are raised in respect of the operation of the holding.

15.12.2 **Council's Response to the Objections**

- a) LCC has continued to actively engage with the Mr Skelton in relation to the issue of the accommodation works beneath the new proposed Thorpe Brook

Bridge since the making of the orders. LCC has carried out further detailed assessment relating to the provision of a shared access for the proposed bridleway (E25) and Mr Skelton's farm access. Although LCC maintains that the original proposal for shared access was acceptable, has precedent and was designed to minimise safety concerns, it has been agreed to review the design at this location to enable the segregation of the bridleway from the farm access track subject to consideration of planning related matters.

The other matters raised in the objection are related to impacts on farm operations and are not factors that are of direct relevance to the Orders that are now being considered. LCC is keen to discuss these matters further and separate meetings will be arranged between Mr Skelton and our Property Service to discuss compensation matters.

15.12.3 **The Current Position**

- a) The Council has been engaged in negotiation with Mr & Mrs Skelton and have been working on minor alterations to the Scheme design around Thorpe Brook. These alterations address concerns raised in the objection in relation to the public rights of way and private means of access at the underpass at Thorpe Bridge. Specifically, the amendments will segregate farm movements from users of the public right of way. The Council submitted a s96A NMA application to the planning authority in August 2021. Subject to successful determination, the Council will seek to modify the SRO accordingly. The Council intends to imminently recommence negotiations with Mr & Mrs Skelton now that the s96A NMA application has been made. This objection may need to be considered at the Inquiry.

15.13 **Objection by BK and JC Holt (DfTObj09)**

15.13.1 **Grounds of Objection**

- a) That Plot 100 was not previously discussed and further the Objector did not understand the reason for its inclusion in the CPO.
- b) CPO Plot 90 shows incorrect ownership details.
- c) There is an error on SRO Plan 5 in respect of an Ordinance Survey boundary.

- d) A request that the speed limit between roundabouts 4 and 5 should be 40mph rather than the proposed 60mph.

15.13.2 **Council's Response to Objections**

- a) LCC has no record of any discussion with the landowner concerning this plot of land but that would not be unusual as it falls beneath the current highway. What LCC can say, however is that Plot 100 was shown on the draft CPO plan received by Mr and Mrs Holt, which was sent with the Section 5 Notice in March 2020.

In relation to why Plot 100 was included, an issue of poor visibility at the exit from Mr and Mrs Holt's property was raised through the planning process. There were concerns 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 the access arrangements using different powers LCC enjoys without needing to acquire the subsoil of the existing highway.

Consequently, LCC will draft a change to the Orders to remove reference to this plot from CPO Plan 5. LCC will inform the Inspector who is to hold the public inquiry of this decision. The objector was informed about this intention by letter dated 3rd March 2021.

- b) During a meeting with Mr and Mrs Holt it was agreed that they had been seeking to use the SRO plans 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.
- c) The boundary line in question 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 LCC draws up its plans to show the Scheme itself. LCC has no control over and no input into that base layer and accordingly the comment made is not one which LCC can properly address, as all such matters would need to be raised with the responsible body.

- d) 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.

Assessments have been carried out to demonstrate that the new road will function as designed and will carry the traffic flows anticipated at that speed limit. Physical design of the road, including width, roundabout size, angle of approach, gradients etc. are all designed to Nationally recognised DMRB standards (listed as *Document (TG4)* in the “List of Documents”). In addition, the whole scheme will be subject to a Road Safety Audit to ensure that it will operate safely.

15.13.3 **The Current Position**

The Council has addressed all points made in the objection and seeks to modify the CPO to remove plot 100. The works required to be undertaken within this plot can be carried out using alternative powers enjoyed by the Council negating the need to acquire the land. Negotiations however continue and these relate predominantly to accommodation works such as fencing and culverting of watercourses for access. The Council is hopeful that negotiations will be successfully concluded, however, it may be necessary for the objection to be considered at the Inquiry.

15.14 **Objection by Jelson Limited (DfTObj10)**

15.14.1 **Grounds of Objection**

There are two grounds raised, with a third, point 14.15.1 (c), raised as a comment.

- a) That there has been no attempt to acquire by agreement.
- b) That land take in plots 57 and 58 is excessive.
- c) Concern to retain access and use of, including potential future development, the retained lands.

15.14.2 **Council's Response to Objections**

a) The guidance includes an encouragement to seek to acquire by agreement but the failure to do so does not render a CPO either void or ineffective. In any event LCC remains willing to discuss all such matters at the Objector's convenience.

b) The NEMMDR is a single carriageway road that has been designed in accordance with the Design Manual for Roads and Bridges, including CD 622 'Managing geotechnical risk' (listed as *Document (TG5)* in the "List of Documents"), to achieve, as far as is possible, an earthwork cut / fill balance. This minimises the need to import or export large quantities of material, thereby achieving a cost-effective and environmentally sustainable construction and reducing disruptive construction traffic impacts. In this location, the vertical alignment is further predicated on the tie-in with the existing highway network at Melton Spinney Road to the west and the culverting of Thorpe Brook to the east.

The embankments are near the maximum permitted incline, stipulated by virtue of both geotechnical design and future maintenance requirements in accordance with the Construction (Design and Management) Regulations 2015 (listed as *Document (TG6)* in the "List of Documents").

The permanent construction is confined to Plot 57. The need for Plot 58 is a long-term operational requirement, being necessary for the construction of the road. As set out in Table 1, this plot may be capable of being offered back to the owners on completion of the works, although the nature of the land may be altered.

Accordingly, the land take is the minimum required to deliver the Scheme.

c) Access to the retained land south of Plots 57 and 58 is outside the Scheme extents and is not affected by the Scheme. Accordingly, there is no requirement to deliver a turning head into the retained land.

Whilst the Scheme will result in a smaller land holding, parties with interests affected by the Scheme will be entitled to statutory compensation.

Diversion of statutory undertaker's apparatus is a complex matter; however, sector guidance is that the number and extent of diversionary works should be reduced to those necessary, and where diversion is necessary, to ensure it is done in a way to minimise cost to the community at large. Diversion of the

overhead electricity cables in land outside of the scheme extents is not necessary and therefore does not form part of the Scheme.

15.14.3 **The Current Position**

- a) Withdrawn.
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15.15 **Objections by Framland Farm Ltd. (DfTObj11)**

15.15.1 **Grounds of Objection**

Three points of objection were raised,

- a) Whether Plots 36-39 shown on CPO Plans 1 and 2 need to be acquired, when licences will suffice.
- b) The 5-arm roundabout shown on SRO Plan 1 is not required as the development land can be served by other means.
- c) Relates to accommodation works and is not an objection to the Scheme.

15.15.2 **Council's Response to Objections**

- a) All the areas of land are required to enable the Scheme to be developed and constructed. Areas shown on the CPO are those required to provide the land or other interests needed to enable the Scheme to be built. At present there is no power available to allow land to be acquired for temporary purposes. LCC must therefore ensure it has sufficient access to allow the Scheme to be constructed. LCC has made it clear previously that, once the Scheme is completed, if it is possible to offer land back to the current owners that is the approach that LCC will take. A Heads of Terms has been prepared for agreement with the landowner to enable a different mechanism for land acquisition, further to confirmation of the orders.
- b) The decision to include an arm from Roundabout 2 into the proposed development site allocated in the Local Plan in the Scheme design was taken before the Scheme's planning application was made and with the knowledge and agreement of the housing development scheme promoter and the landowner. The Scheme drawings submitted with the planning application, which was approved in May 2019, includes this provision.

The housing scheme promoter has approached LCC to discuss the option of removing this arm of Roundabout 2, as they are potentially able to utilise an alternative access point. However, although LCC is not against this in principle, the traffic modelling work currently being undertaken by the housing promoter to assess whether the alternative proposal would be acceptable has not been concluded, nor is there a planning application in place for the housing site.

This being the case, LCC does not have the certainty required to enable a decision to be made in terms of amending the design. Accordingly, LCC must consider that the land identified in the CPO necessary for the scheme.

- c) Accommodation works are not matters for the Public Inquiry to consider as they will subject of private arrangements with the land owner or occupier as appropriate at a subsequent stage.

15.15.3 **The Current Position**

- a) The Council is been engaged in negotiation with Framland Farm Ltd and has prepared a draft compromise agreement in respect of occupation of lands and the 5th arm at roundabout 2. The draft agreement at roundabout 2 is conditional on the parties being granted respective planning consents and by way of time. However, a dispute has arisen on the matter of costs which is unlikely to be resolved. It is anticipated that this objection will need to be considered at the Inquiry.
- b) It is important to note that the 5th arm was included in the NEMMDR design for two reasons. Firstly, to provide adequate access to the North Melton Mowbray Sustainable Neighbourhood (NSN), identified as a strategic development within the Melton Mowbray Local Plan. Secondly, to satisfy the developers' requests for access to the housing allocation from the NEMMDR. The Council has retained correspondence with the developer evidencing this position. The developer also supported the NEMMDR planning application by way of letter.
- c) It was not until after the Orders had been made was a potential 4-arm roundabout first discussed. Although the developer's position has become clearer over the intervening 12-month period, as they have increased confidence that the housing allocation could be serviced by an alternative means, it remains true that the development does not have any planning consent.

- d) On 13 August, a planning application was submitted by Barwood Development Solutions that includes a red line boundary that overlaps significantly with the red line boundary for the consented NEMMDR. There is a clear conflict at the north western edge of the proposed residential scheme, where the housing layout and access conflicts with the design for roundabout 2 for the NEMMDR. Barwood has assumed that a four-arm roundabout can be developed at this junction but has not sought planning permission for this new junction. The NEMMDR consent contains a five-arm roundabout. Therefore, there is no planning permission for the roundabout as currently proposed by the developer, nor has any party submitted an application to gain this consent. The development as proposed does not allow sufficient space for the NEMMDR to be developed as consented and therefore would prevent the development of a scheme with extant consent. Given that the NEMMDR development is crucial for the delivery of housing and employment set out in the Local Plan, including the development of the Barwood site itself, the Council considers this conflict is unacceptable.
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15.16 Objections by BB&B Leisure Parks Ltd. (DfTObj12)

15.16.1 Grounds of Objection

- a) The Objector is the owner and operator of the Twinlakes Park and is keen to maintain access to the Park throughout construction.

15.16.2 Council's Response to Objections

- a) LCC has discussed the access arrangements to the Twinlakes site with the objector and has taken into account the need to retain access not only as part of the Scheme itself but also during the construction phase. The proposal around the Scheme's construction phase accesses is still under development and is subject to approvals but LCC maintains the principle of continued public access to the Park throughout the construction phase and would be happy to clarify the proposals further when we next meet if that is required. Once completed the new road will provide a much-enhanced means by which visitors will be able to visit the Park.

15.16.3 The Current Position

- a) The Council has addressed all points made in the objection and has discussed the Scheme with the objector's representative. The Council held further discussions with the objector's representative in early August and more discussions are scheduled for September. The discussions are focussed on access to the park during construction. The Council will maintain access to the Park throughout the construction phase. The impact will be reduced to the minimum duration practicable and mitigation, such as temporary signage, will be provided. Once the works are complete, the Scheme will provide significantly improved access to the park. The Council continues to work towards securing withdrawal of the objection, however, it may be necessary for the objection to be considered at the Inquiry.
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15.17 Objections by Mr T. Henderson (DfTObj13)

15.17.1 Grounds of Objection

This objector, despite agreeing with the purpose of the Scheme, raises three matters,

- a) Roundabout 6 should be located further from Mr Henderson's property.
- b) Compensation levels may be inadequate.
- c) Environmental considerations, namely those relating to noise and air quality implications are likely to be made worse.

15.17.2 Council's Response to Objections

- a) Moving Roundabout 6 a short distance will have no material effect on noise and air quality impacts. The traffic on Burton Road in the section past Mr Henderson's property is predicted to reduce from 12,731 to 9,348 vehicles per day (26.6%) because a proportion of through traffic would use the Distributor Road to access locations away from Melton Mowbray rather than travelling through the town centre. Noise is predicted to decrease overall at Mr Henderson's property, whilst there is a slight increase in noise to parts of the rear garden of the property. Air pollution impacts varied from a slight increase to a slight reduction (depending on the type of pollutant). Air pollution levels are predicted to be well below harmful levels.

The indicative landscape plans (listed as *Document (P17)* in the "List of Documents") submitted with the planning application included the provision of

landscaping to enable visual mitigation. Further measures are being considered.

The roundabout has been located online at Burton Road to connect into the local road network. This enables the greatest advantage to be obtained by linking into existing road network. It has been designed to meet all applicable standards through following guidance in the Design manual for Roads and Bridges and provide a safe provision. The benefits of the current location include:

- Minimising the underground service diversions.
- If the roundabout is moved east the spacing of the arms around the central island results in an increase in roundabout size (4 of the arms are currently spaced between 6 and 12 on a clock face. Moving it east results in four of the arms falling between 7 and 11).
- The chosen location minimises the impact on the two new access roads into the proposed SSN.

In addition, moving the alignment south increases the proximity to the St. Lazarus Hospital Scheduled Ancient Monument and may impact on those properties that are already experiencing some disbenefit from the proposal. Properties at Burton Lazars are predicted to experience a slight to moderate increase in noise levels in both the short and long term forecast scenarios, due to the fact that additional road users may be attracted to using the proposed MMDR.

- b) Compensation is not relevant for the purposes of the public inquiry.
- c) The assessment of the environmental effects of the Scheme, in respect of noise and air quality implications, have been set out in the reports which accompanied the planning application. These are the AECOM report entitled ES Volume II - Non Technical Summary & Figures, and in respect of noise ES Volume II - Figures 11.1 to 11.9 and in respect of air quality, ES Volume II - Figure 5.1, 5.2 (Part 1 of 2) and 5.2 (Part 2 of 2) (listed as *Document (P15a to 15c)* in the "List of Documents") and ES Volume III - Appendix 5.1 - Air Quality Monitoring Technical Note (listed as *Document (P16)* in the "List of Documents"). In short, they demonstrate that:

- Noise is predicted to decrease overall at Mr Henderson's property, whilst there is a slight increase in noise to parts of the rear garden of the property.
- Air pollution impacts varied from a slight increase to a slight reduction (depending on the type of pollutant). Air pollution levels are predicted to be well below harmful levels.

The traffic on Burton Road in the section past Mr Henderson's property is predicted to reduce from 12,731 to 9,348 vehicles per day (26.6%) because a proportion of through traffic would use the distributor road to access locations away from Melton Mowbray rather than travelling through the town centre.

15.17.3 **The Current Position**

- a) The Council has addressed all points made in the objection and has also proposed additional mitigation works to screen the view towards roundabout 6 when viewed from the property. The additional works comprise a bund, up to 2m high with landscape planting. The Council is engaged in dialogue with Mr Henderson, although it is unlikely that the proposals will be sufficient to secure withdrawal of the Objection. It is anticipated that this objection will need to be considered at the Inquiry.

15.18 **Objections by Mrs Barbara June Barnes and R. A. Barnes & Sons (DfTObj14)**

15.18.1 **Grounds of Objection**

Eight matters of objection are raised by the Objectors.

- a) The diversion of River Eye is unnecessary for the Scheme.
- b) 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.
- c) The Objector contests the deliverability of the Scheme in terms of programme, cost and in meeting the planning conditions.
- d) The objector questions the financial and economic viability of the scheme.
- e) The use of compulsory purchase is not justified and is unnecessary.
- f) The matter of biosecurity during construction is raised.

- g) That access during construction is required.
- h) That there is absence of justification, which brings the Human Rights Act into play.

15.18.2 **Council's Response to Objections**

- a) The proposed diversion and enhancement work as set out in the planning application and the Statement of Reasons been discussed with the Environment Agency and Natural England throughout the scheme's development. In arriving at this proposal, the authority considered various options including diverting the power cables. Moving two sets of powerlines would incur significant cost to the Scheme. The proposal to realign the River Eye also reduces safety risk in relation to moving powerlines and allows the opportunity for ecological mitigation and enhancement.
- b) 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 DMRB, LCC's Highway Design Guide, 'Sewers for Adoption' and CIRIA reports C697 & C753, 'The SUDS Manual' for guidance on pond layouts (listed as *Documents TG7 to TG9* in the "List of Documents"). The hydrological modelling work submitted to the Environment Agency was conditionally approved at the planning stage. LCC is confident there are no impediments to discharging the conditions and the work relating to this is currently with the Environment Agency for review.
- c) 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 LCC is confident that it will meet the necessary requirements, even if the need to comply with the required processes causes some change to that programme. LCC will update all and any matters relevant to those three considerations at the Public Inquiry.
- d) With regard to finance, the scheme has the continued support of LCC County 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.

- e) 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.
- f) LCC understands the sensitivity of issues related to biosecurity and the devastating impacts that it can have on farm livelihoods. LCC 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.
- g) Accommodation works are not matters for the Public Inquiry to consider as they will subject of private arrangements with the land owner 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.
- h) The consideration of Human Rights is explained in both the Statement of Reasons and in this Statement. 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.

15.18.3 **The Current Position**

- a) The Council has been engaged in significant negotiation with the objector's agent. Negotiations have principally been in respect of accommodation works, access, and compensation. The Council seeks to modify the SRO, introducing PMA17A to ensure there is proper access to the retained lands. Negotiations have however failed, and it is expected this objection will need to be considered at the Inquiry.

15.19 **Objections by Hatton and Lovegrove (DfTObj15)**

15.19.1 **Grounds of Objection**

The objector raises three matter of objection related to both the CPO and the SRO in respect of the stopping up of Lag Lane and the acquisition of land to enable it.

- a) The stopping up of Lag Lane is prejudicial to existing and future access arrangements.
- b) That insufficient justification for the stopping up of Lag Lane and the compulsory Purchase of Plot 87 has been provided.
- c) That compulsory purchase of their interests is not necessary.

15.19.2 **Council's Response to Objections**

- a) Existing access arrangements are maintained or replaced with alternative reasonably convenient means of access. LCC is not required to go beyond this, or to provide an improved means of access, or an access which the objector considers ideal for his future purposes. Indeed, LCC 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.
- b) Planning permission has been granted for the Scheme in the form it has, having considered all relevant and material considerations. The approach towards Lag Lane was fully considered during that process. LCC 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.
- c) LCC, 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.

LCC has no authority under Section 14 of the Highways Act 1980 to 'downgrade' rights associated with a highway. To achieve the new status, LCC must first stop up, which removes the existing highway rights, 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 the objector. 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.

15.19.3 **The Current Position**

- a) The Council has set out its position in response to the objection and has met with the objectors to present the same. Since then, the Council has sought to

maintain a dialogue but received no substantive update between March and late August 2021. The objector provided the Council, in late August, further details supporting their objection, but this does not materially change the Council's position. As such, it is anticipated that this objection will need to be considered at the Inquiry.

15.20 Objections by Holmes Long & Williams (DfTObj16)

15.20.1 Grounds of Objection

- a) The Objectors do not raise any objection to any part of their land being acquired where it is required for physical road construction, which LCC takes to include areas for related matters such as drainage, landscaping and similar. The objection relates to those areas where land is being acquired to ensure the Scheme can be built but would not be required permanently.

15.20.2 Council's Response to Objections

- a) LCC welcomes the recognition that there is no objection to the acquisition of those areas required for the physical structure of the road and related facilities. In respect of the rest of the land that is being acquired two considerations arise. First, the areas themselves and the purpose to which they are to be used is set out in Table 1 in Chapter 4 of this Statement and in the case of Plot 41 in Table 1 of the CPO Schedule, which demonstrates the purpose for acquiring them and demonstrates why they are needed.

Secondly, LCC must consider that presently there is no power available to allow land to be acquired for temporary purposes. Where land is capable of being offered back to the owners on completion of the works, these plots are identified in Table 1. Notwithstanding the requirement to secure all the land needed to permit the scheme to be built, LCC has prepared and shared a Heads of Terms to enable an alternative mechanism for the acquisition and occupation of the land.

15.20.3 The Current Position

- a) The Council has been engaged in negotiation with the objector's agent. The negotiation related to the occupation of the lands but temporarily stalled due to a disagreement over cost. The parties have re-started negotiations with a view

to securing the withdrawal of the objection, however, it may be necessary for the objection to be considered at the Inquiry.

15.21 Objections by Hill, Hill, Pickup & Hyde (Spreckley's Farm) (now sold to Wilson Enterprises Ltd.) (DfTObj17)

15.21.1 Grounds of Objection

These Objectors have raised a total of eight matters of objection and have also raised other considerations.

- a) An additional access onto Roundabout 6 is required otherwise developer interest and therefore value of their land is compromised.
- b) The Scheme affects the accessibility within the farm and accommodation works and further detail is required.
- c) There is no need to acquire Plots 124, 130 and 132 and so a holding objection is maintained until this is resolved.
- d) There are severance issues regarding the acquisition of part of Plot 129 required for new highway rights.
- e) Plot 131 is not required as rights are only needed temporarily.
- f) Plot 133 is to be used as a compound and acquisition is not justified.
- g) Access to Lag Lane is required by the objector and stopping it up will create severance.
- h) Detail is required to judge the acceptability of the works to Roundabout 6, Footpath E1 and accommodation works.
- i) The three other matters are raised in the letter relating to the need to maintain access throughout the construction phase and to permanent accommodation works.

15.21.2 Council's Response to the Objections.

- a) This matter has been discussed at meetings earlier in the Scheme's development. Provision in the Scheme design of an additional arm to Roundabout 6 was not included due to uncertainty of development coming forward as the land is not in the Melton Local Plan (2011-2036). Safety

concerns increased environmental impacts and negative effects on the Scheme's business case were also highlighted with regard to the provision of a six-arm roundabout or potential double roundabout. LCC maintains that, should it come forward, development on this land is not prejudiced as other options for access could be considered. The scheme has been designed in accordance with DMRB guidance and in relation to roundabout design, Volume 6, Section 2 'Geometric Design of Roundabouts' (listed as *Document (TG10)* in the "List of Documents").

- b) Accommodation works, along with compensation are not matters for the Public Inquiry to consider. LCC will, however work with the Objectors to seek to minimise intrusion arising from the Scheme.
- c) The requirement for the acquisition of all the various Plots is explained in the Statement of Reasons and has been repeated in this document. All the areas of land are required to enable the Scheme to be developed and constructed. Areas shown on the CPO are those required to provide the land or other interests needed to enable the Scheme to be built. At present there is no power available to allow land to be acquired for temporary purposes. LCC must therefore ensure it has sufficient access to allow the Scheme to be constructed. LCC has made it clear previously that once the Scheme is completed if it is possible to offer land back to the current owners that is the approach that LCC will take. A Heads of Terms has been prepared for agreement with your client to enable a different mechanism to enable LCC to use this land during construction, further to confirmation of the orders.
- d) Footpath E1 is to be intersected by Section 5 (Roundabout 5 to Roundabout 6) of the proposed route. It is not possible to include an at grade crossing at the existing location on safety grounds. The footpath is to be diverted, via Sawgate Road and the splitter islands at Roundabout 6. A diversion to Footpath E1 is to be created to the west of the proposed scheme to eventually re-join the existing Footpath E1.

In accordance with Department of Transport Local Authority Circular 2/97 LCC has included in the CPO plans the acquisition of part of Plot 129, necessary in order to establish the new highway footpath rights on land where highway rights do not currently exist. LCC is in the process of discussing with the landowner other mechanisms to achieve the creation of highway rights in this instance.

- e) See paragraph 14.23.2 (c) above.
- f) Plot 133 is different in that it is a Plot required for the Scheme's site compound which needs to be located in the way explained above. In addition, it will need to be established early in the overall programme, which will include engineering works to level and strengthen the land, to enable the storage of items required for the build. It will then be required for the full duration of the works, currently estimated to be 24 months and then would require restoration prior to reuse or an offer of handing back. As such that land needs to be acquired to permit the Scheme to proceed. A Heads of Terms has been prepared for agreement with your client to enable a different mechanism to enable LCC to use this land during construction, further to confirmation of the orders.
- g) LCC has proposed the stopping up of Lag Lane from point "k" shown on SRO Plan 5 and for its entire length to the south (intersection with Sawgate Road) and create new bridleway with gating. This decision was taken due to Lag Lane being no longer required as highway for public motorised vehicles as the Distributor Road would be open for this purpose. LCC has no authority under Section 14 of the Highways Act 1980 to 'downgrade' rights associated with a highway. To achieve the new status, LCC must first stop up the existing highway rights before creating new highway rights. For the entire stopped up length of Lag Lane a New Private Means of Access has been included in the SRO Plans 5 to 7 to ensure that continued access can be provided for those landowners and statutory bodies who require it.
- h) Access throughout the duration of the construction phase will be maintained and following completion permanent access will be provided to the land. LCC is continuing to discuss accommodation issues with the landowner.
- i) See Paragraph 14.23.2 (h) above.

15.21.3 **The Current Position**

- a) Clarity of the status of this objection has been established via the Programme Officer. The previous owner has been invited to withdraw their objection as they no longer have title. The new owner has been given opportunity to raise an objection. Nevertheless, the Council is working with the new owner on the basis that they have similar grounds of objection. The Council is engaged in negotiation with the new owner. The negotiations principally relate to

accommodation works, alternative mechanisms for occupation of the lands, and alternative mechanisms to secure the necessary highway (footpath) rights. The Council seeks to modify the SRO to ensure that PMA23 meets the retained land. The Council is hopeful that negotiations will be successfully concluded, however, it may be necessary for the objection to be considered at the Inquiry.

15.22 Objections by Western Range Ltd. (DfTObj18)

15.22.1 Grounds of Objection.

Eight matters are raised by way of objection and an additional comment has been made in respect of the detail of the drainage provision.

- a) The land owned by the objectors has direct access off A606 Burton Road. The current access is lost as a result of the Orders, and the provisions for replacement access are not sufficiently defined or adequate as proposed.
- b) The Orders as proposed would sever the objectors retained land adjacent to Plot 145 and remove control of access to the severed extent.
- c) There appears to be no operational requirement for permanently taking elements of Plots 142 / 145.
- d) There is currently insufficient detail on any other extents within the Order that may not be required permanently but are included due to the lack of available temporary acquisition powers.
- e) The Orders as proposed do not provide sufficient detail on the demarcation of land to be permanently acquired post scheme.
- f) There is insufficient detail on drainage arrangements.
- g) There is insufficient detail on how future access provision to land adjacent to Plots 142, 143 and 144 will be left post scheme
- h) There are no current provisions that access will be maintained to the retained land during construction of the scheme.

15.22.2 Council's Response to the Objections.

LCC is currently involved in negotiations to resolve the objection in advance of the Inquiry.

In respect of the drainage provision the design of the Scheme has been sufficient to identify what is required for planning purposes and to be able to identify and justify what is necessary in terms of land take required to be placed in the CPO. A detailed drainage scheme will be fully designed, in accordance with condition 12 of the planning permission, prior to any construction works being undertaken.

- a) The existing vehicular access off the A606 Burton Road adjacent Childs Cottages is outside the Scheme boundary and is unaffected by the Orders. A short section of public footpath E5 will be stopped up to accommodate the Scheme however that access will be replaced such that public footpath E5 rejoins the new highway in approximately the same position as set out in the SRO.
- b) No part of the land is severed. Accesses are maintained or replaced as set out in the SRO.
- c) All parts of plots 142 and 145 are required permanently for the Scheme, these will be described in evidence but in short are necessary for construction of the roundabout with the A606 Burton Road and a landscaped area to provide screening for the Scheduled Monument of St Mary and St Lazarus Hospital at Burton Lazars.
- d) All plots and the reason for their acquisition has been explained by LCC but if the Objector can identify specific Plots LCC can explain the position. Subsequent to the receipt of the objection, LCC has met with the objector and clarified the position. As set out in the Statement of Reasons, Plots 143 and 144 may be capable of being offered back to the owners on completion of the works, although the nature of the land may be altered. All parts of plots 142 and 145 are required permanently for the Scheme.
- e) The land to be permanently acquired will be enclosed, secured and demarked by post and rail fencing. A temporary boundary feature will be provided at the two stubs off the roundabout.
- f) The drainage design follows the requirements within the Design Manual for Roads and Bridges supported by other relevant guidance. The pipe and ditch design have been carried out to DMRB alongside additional requirements from the LCC Flood Risk Management Team. Pond design is based on guidance in

DMRB and CIRIA's SuDS Manual (listed as Documents (TG1) and (TG2) in the "List of Documents"), together with attenuation requirements agreed with the LCC Flood Risk Management Team. LCC has confirmed that field drains reasonably proximate and directly impacted by the Scheme will be made good.

- g) Vehicular access to the retained land is not affected by the Scheme and the access at footpath E5 will be replaced as set out in the SRO. As set out in Table 1, Plots 143 and 144 may be capable of being offered back to the owners on completion of the works providing an additional access which immediately adjoins the adopted highway.
- h) The Scheme does not affect the vehicular access to the retained land and as such access during construction is unaffected.

15.22.3 **The Current Position**

- a) The Council is engaged in negotiation with Western Range and its representatives. The negotiations principally relate to the need to acquire the land, the status of that land, and adequate provision for agricultural vehicles to access the retained land. The Council seeks to modify the SRO by extending the highway boundary to incorporate plots 143 and 144. This modification removes any perceived ransom strip. The Council also seeks to modify the SRO by removing PMA24 which was included erroneously. The Council expects that the negotiations will be successfully concluded, and the objection withdrawn prior to the Inquiry.

15.23 **Objections raised by Hill, Hill, Pickup and Hyde on behalf of Home Farm (DfTObj19)**

15.23.1 **Grounds of Objection**

The Objectors raise five matters by way of objection and three additional matters by way of comment. The comment relates to accommodation works, which is not a matter for the public inquiry and access throughout the construction period, which can be maintained.

- a) The CPO splits the landowners' field making farming difficult.
- b) The objector raises concerns in respect of access arrangements to the retained parcels of land.

- c) A request is made for an additional or alternative provision to access the field south of the watercourse.
- d) A new access is required to retained land to the east and west of Plot 69 from the A607.
- e) The three other matters are raised in the letter relating to the need to maintain access throughout the construction phase and to permanent accommodation works.

15.23.2 **Council's Response to Objections**

- a) The land would be split by Section 4 (Roundabout 4 to Roundabout 5) of the Scheme but the remaining land parcels will still be able to be farmed. If accommodation works are required, they will be considered in due course.
- b) In so far as these concerns relate to access from the public highway, LCC can state that access will be maintained throughout the construction of the Scheme. LCC has discussed with the landowner the options for maintaining access to the severed plots following construction.
- c) Accommodation works, along with compensation are not matters for the Public Inquiry to consider. However, this matter concerns retained land to the east of plot 69; this has been discussed and a solution proposed to enable access between land to the north and south of the watercourse.
- d) With regard to land west of Plot 69, LCC is stopping up highway land at the location where the objector currently has an access from the A607 near to the village of Thorpe Arnold. Although the access is not physically affected a new PMA had not been included in the served SRO Plan 4 or Schedule to allow certainty of future access for the landowner. LCC has suggested that this be rectified through the amendment of the relevant SRO Plan or through agreement of an easement. This is currently under discussion with the landowner. The new private means of access from the A607 to land to the east of plot 69 is identified on SRO Plan 4.
- e) As highlighted in 14.23 Response (b) above, this matter is currently the subject of discussions and will be updated in due course.

15.23.3 **The Current Position**

- a) The Council is engaged in negotiation with the objector's representative. The negotiations relate principally to accommodation works and access. The Council seeks to modify the SRO by adding PMA12A to ensure that the existing field access is maintained. The Council is hopeful that negotiations will be successfully concluded, however, it may be necessary for the objection to be considered at the Inquiry.
-

15.24 Objections raised by Ernest Cook Trust (DfTObj20)

15.24.1 Grounds of Objection

The Objector makes a general point about the use of compulsory purchase powers rather than seeking the land by agreement and then identifies four specific objections.

The four objections are:

- a) There is no requirement to acquire the freehold interest in Plot 127 as additional rights can be secured by agreement rather than via CPO.
- b) 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.
- c) That the use of CPO powers is premature.
- d) That their Human Rights have been infringed.

15.24.2 Council's Response to Objections

- a) 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 vehicular access rights.

LCC has no authority under Section 14 of the Highways Act 1980 to 'downgrade' rights associated with a highway. To achieve the new status, LCC must first stop up the existing highway rights before creating new highway rights.

The land when freed of its existing highway rights will, in absence of proof of title, revert to the sub-soil owner, which in this case is ECT.

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.

LCC, 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.

- b) Acquisition of the freehold title in Plot 127 is necessary to ensure LCC has access to all the land it needs to permit the scheme to be built.

Subsequently, LCC 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.

- c) 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.

LCC has engaged with ECT's representative and remains committed to securing ECT's interests in the land by agreement and are open to negotiation.

- d) The consideration of Human Rights is explained in both the Statement of Reasons and in this Statement. 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.

15.24.3 **The Current Position**

- a) The Council has set out its position in response to the objection and has met with the objectors to present the same. Since then, the Council has sought to maintain a dialogue but has not received a substantive update since February 2021. As such, it is anticipated that this objection will need to be considered at the Inquiry.

15.25 **Objections raised by AT & T ITSEL (DfTObj21)**

15.25.1 **Grounds of Objection**

- a) The matters raised by the Objector does not amount to Objections in LCC's view as they are directed at matters to ensure that the new road is properly designed and constructed to avoid unnecessary consequences for proposed housing developments.

15.25.2 **Council's Response to the Objections**

- a) It is a part of the justification for the Scheme that it enables future residential growth to take place in Melton Mowbray. This would include the Objector's land should it come forward for housing development. LCC's approach has therefore been to bring forward a Scheme which complies with the relevant standards and guidance whilst seeking to minimise land take to that which is necessary. LCC is in discussion with the Objectors and that will continue in order to address the points raised.

In seeking to promote a scheme LCC, must ensure that it has all the land and rights it needs to allow the scheme to be built. The land identified in Plot 27 is necessary for delivery of the Scheme for the purpose of tying into the existing highway and construction of an embankment. A new fence and hedgerow are proposed to be located at the foot of the proposed embankment.

The design standards and mitigations used in developing the scheme are not factors that are of direct relevance to the Orders that are now being considered. Through the design process, all appropriate mitigation measures have been adopted for the Scheme. The scheme is compliant with the National Planning Policy Framework and the Melton Mowbray Local Plan. The Environmental Impact Assessment (EIA) was a key part of the planning submission approved in May 2019 and set out the potential impacts of the scheme and what LCC intend to do about these impacts.

The highway design is compliant with national standards and sector guidance and has been fully assessed as part of the Outline Business Case approved by the Department of Transport (DfT).

15.25.3 **The Current Position**

- a) The Council has set out its position in response to the objection and seeks to re-engage with the objector prior to the Inquiry. This objection may need to be considered at the Inquiry.

16.Modifications

- 16.1 I attach as Appendix B, a list of proposed Modifications which the Council would wish to be considered by the Inquiry. These are set out as relating to the SRO and thereafter the CPO. I have attached them as an appendix to ensure that they can be identified from the evidence but I have also arranged for them to appear as a separate Inquiry Document (ID4) so that they can be found with ease should any further matter arise following the publication of the evidence.
- 16.2 I would indicate at this stage that many of the suggested modifications are of a minor nature and are produced to ensure accuracy, consistency and certainty with the Councils approach. Those modifications can be considered during the course of the Inquiry itself.
- 16.3 The majority of modifications are to the Orders only; they already form part of the consented scheme. Where modifications depart from the consented scheme these are minor. None of them are sufficient to alter the assessment carried out in the Environmental Statement which supported the application for Planning Permission.

17. Summary

- 17.1 Traffic congestion issues, along with the consequential environmental effects, identified in the LTP3 and in LLEP studies, are long standing in Melton Mowbray and would be exacerbated by plans for growth without a strategic transport intervention such as the Scheme. The problems are further worsened by the significant numbers of HGV and LGV movements through the town.
- 17.2 The Scheme has been developed as the best performing option to overcome the travel delays and other traffic related problems and thereby enable the town's future growth. The Scheme has been developed from an evidence and objective-led option identification process, which assessed a range of options across travel modes, and examined different scales and routes of highway intervention.
- 17.3 The option of a northern and eastern distributor road is supported by the MLP and the inspector responsible for its examination. Additionally, the route has been subject to substantial consultation and discussion with landowners and stakeholders.
- 17.4 This document demonstrates how LCC justifies its proposals for the compulsory acquisition of land required to deliver the Scheme.
- 17.5 Sections 1-13 have demonstrated that there is a compelling case in the public interest for the compulsory purchase to be made, and regard has been had to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights.
- 17.6 Section 5, 8 and 11 have also established that the planning and funding approvals are also in place and there are no other impediments to the progression of the Scheme.
- 17.7 The document has also demonstrated that, subject to confirmation of the Orders, all land required in order to construct the Scheme will be available to LCC.

18.Document List

- 18.1 Within the Statement of Reasons and also the Statement of Case, the Council produced a list of documents that may need to be referred to. That list has been replaced by the inquiry library and core documents list which will contain the relevant document references.
- 18.2 LCC will place all such documents, or internet links to those documents, onto the Scheme website (<https://www.leicestershire.gov.uk/mmdr>) for access purposes. For those not able to use the internet to access that information or those who may wish to raise questions they can telephone 0116 305 0001 or email mmdr@leics.gov.uk and seek the advice from the project manager for the Scheme or from a member of the team. The Council will seek to ensure that the requirements are met and that anyone interested will have access as required to consider the proposals.

Appendix A

Section 151 Officer Letter

My Ref: NEMMDR
Contact: C. Tambini
Phone: [REDACTED]
Email: [REDACTED]

31 August 2021

Dear Janna Walker,

Re: NEMMDR Scheme- Funding Considerations.

As Leicestershire County Council's Section 151 officer, I am writing to confirm that the County Council is aware of the revised costs of the Scheme and that with this knowledge remains committed to the scheme as previously set out.

The County Council will contribute £31.8m of capital funding to an overall funding package currently estimated at £85.3m to deliver the NEMMDR scheme. The Council's contribution is a combination of local contribution and forward funding of developer contributions. Given current market conditions and risks to major infrastructure projects the Council has also allowed for an additional £5m of contingency to its programme to support the scheme.

The funding package for the scheme includes £49.5m of funding awarded by the Department of Transport through its Large Local Majors programme and £4m from the Leicester and Leicestershire Local Enterprise Partnership. In order to be able to support future growth projects the Council will continue to maximise opportunities to recover funding through developer contributions, funding bids and commercial arrangements as appropriate.

The Council's capital programme is part of the Medium-Term Financial Strategy approved annually by the Council. Officers will recommend an updated capital programme reflecting the changes to the NEMMDR budget, as part of the refresh of the Strategy, to the County Council's Cabinet meeting on the 17th September 2021. The full report, once publicly available can be accessed here: <http://politics.leics.gov.uk/ieListMeetings.aspx?Committeeld=135>.

I hope this confirms Council's position with regards to the funding of the scheme.

Yours faithfully



Chris Tambini



Appendix B
TABLE OF MODIFICATIONS
**THE LEICESTERSHIRE COUNTY COUNCIL (A606 NORTH & EAST MELTON MOWBRAY
DISTRIBUTOR ROAD, CLASSIFIED ROAD) SIDE ROADS ORDER 2020**

No.	Sheet	Ref no.	Details
1	1	H1	Location details amended for accuracy. Description details amended for accuracy.
2	1	X3A	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.
3	2	N2	Revised realignment of footpath E18.
4	2	N3	Revised length of footpath arising from realignment of footpath E18.
5	2	X3B	PMA to be stopped up added. Added to the order to make clear the intention to remove any access under the disused railway bridge.
6	2	7	Description details amended for accuracy.
7	2	7A	PMA added to maintain access to field to the east of the disused railway.
8	2	7B	PMA added to maintain access to fields south of NEMMDR.
9	3	S5	Location details amended for accuracy.
10	3	S7	Location details amended for accuracy.
11	3	S8	Location details amended for accuracy.
12	3	H6	Location details amended for accuracy.
13	3	H7	Location details amended for accuracy.
14	3	N4	Location details amended for accuracy.
15	3	X5	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.

16	3	X6	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.
17	3	8	Location details amended for accuracy.
18	3	8A	PMA added to maintain access to a field to the west of Melton Spinney Road.
19	3	8B	PMA added to maintain access to a field to the west of Melton Spinney Road.
20	3A	S5	Location details amended for accuracy.
21	3A	S7	Location details amended for accuracy.
22	3A	S8	Location details amended for accuracy.
23	3A	H6	Location details amended for accuracy.
24	3A	N4	Location details amended for accuracy.
25	3A	8	Location details amended for accuracy.
26	4	S5	Location details amended for accuracy.
27	4	S9	Inset plan added for clarity.
28	4	S10	Inset plan added for clarity.
29	4	N4	Location details amended for accuracy.
30	4	N6	Inset plan renamed for clarity.
31	4	12A	PMA added to maintain access to a field to the south of the A607 Waltham Road.
32	4A	S5	Location details amended for accuracy.
33	5	X7	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.
34	5	X8	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.
35	5	15A	PMA added to maintain access for adjacent landowner across culverted section of realigned Lag Lane watercourse.

36	5	16A	PMA added to maintain access to field to the south of Saxby Road.
37	5	16D	PMA added to maintain access for adjacent landowner via the spans of the River Eye bridge.
38	5	-	Inset box moved.
39	5A	15A	PMA added to maintain access for adjacent landowner across culverted section of realigned Lag Lane watercourse.
40	5A	16D	PMA added to maintain access for adjacent landowner via the spans of the River Eye bridge.
41	6	X9	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.
42	6	16B	PMA added to maintain access for adjacent landowner across the river channel.
43	6	16C	PMA added to maintain access for adjacent landowner across a culverted section of the back-water connection channel.
44	6	16D	PMA added to maintain access for adjacent landowner via the spans of the River Eye bridge.
45	6	17A	PMA added to maintain access off the NEMMDR to a field to the west of the NEMMDR.
46	6	17B	PMA added to maintain access for adjacent landowner across a culverted section of the outfall from balancing pond.
47	6	18	PMA extended to ensure suitable access for Network Rail.
48	6	20	Description details amended for accuracy.
49	6A	16C	PMA added to maintain access for adjacent landowner across a culverted section of the back-water connection channel.
50	6A	16D	PMA added to maintain access for adjacent landowner via the spans of the River Eye bridge.
51	6A	17A	PMA added to maintain access off the NEMMDR to a field to the west of the NEMMDR.

52	6A	17B	PMA added to maintain access for adjacent landowner across a culverted section of the outfall from balancing pond.
53	7	X10	PMA to be stopped up added. To ensure there is no doubt that the access will be removed.
54	7	22	Description details amended for accuracy, removing reference to the term "restricted".
55	7	24	PMA 24 removed. The PMA was included erroneously in the Order as made and is not required.
56	7	-	Proposed highway boundary amended in relation to CPO plots 143 and 144.
57	7	-	Removal of redundant highway boundary line over existing Sawgate Road.
58	7	-	Centre line of new highway (N14) thickened.
59	7	-	Shading of proposed highway boundary corrected.
60	7A	-	Shading of proposed highway boundary corrected.
61	7B	-	Shading of proposed highway boundary corrected.

**THE LEICESTERSHIRE COUNTY COUNCIL (A606 NORTH & EAST MELTON MOBWRAY
DISTRIBUTOR ROAD) COMPULSORY PURCHASE ORDER 2020**

No.	Plan	Ref no.	Details
1	5	92	Plot removed following a review of working arrangements negating the need for this plot.
2	5	100	Plot removed as the Acquiring Authority is able to undertake the works in this plot using alternative powers that it enjoys.
3	-	96	Correction of schedule description to reflect that this is a rights plot.