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26 November 2020

Dear Sirs

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

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

Response in respect of Plots 40-44

We act on behalf of Elaine Holmes, Fiona Long and Penelope Williams in relation to the above CPO and SRO (together “the Orders”). Our clients are the freehold owner of Plots 40-44 identified within the CPO and have been served notice of the making of the Orders accordingly.

We have been provided with copies of the Acquiring Authority’s letter of 8th October 2020, relating to the extended consultation period for the Orders.

We can confirm that our clients wish to **oppose** the Orders. The basis for this objection is as follows:

1. We understand that plots 40-43 and part of Plot 44 are required by the Acquiring Authority on a temporary basis only during construction of the scheme.
2. These plots are currently used by our clients for farming activities. They also form part of the proposed Melton North Sustainable Neighbourhood (“the MNSN”). The MNSN is allocated in Melton Borough Council’s adopted Local Plan (see policy SS5) which is a key development intended to bring forward up to 1,700 dwellings.
3. Our client is ready, willing and able to enter into all necessary licenses to facilitate the Acquiring Authority’s use of Plots 40-43 and the relevant part of Plot 44 and there is accordingly no need for these plots to be included within the CPO.

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4. We understand that the principle of proceeding by way of license has been agreed with the Acquiring Authority but there is currently no legal certainty that the scheme will proceed via that mechanism and not via compulsory purchase.
5. Proceeding by way of compulsory purchase in relation to these plots will permanently deprive our clients the ability to use its land for ongoing farming and/or potential strategic development purposes - both of which accord with national and local planning policy. The protection of our client's ability to maximise the land's potential in accordance with these policies is a matter of considerable weight.
6. In circumstances where our client is willing and able to negotiate necessary terms of temporary access for the Acquiring Authority in order for the scheme to proceed, it is submitted that there is no compelling case in the public interest to proceed with the Orders in their current form, permanently depriving our clients of their land.
7. For clarity, our client raises no objection to the compulsory purchase over those parts of Plot 44 that are required by the Acquiring Authority on a permanent basis. However, they are unable to remove their objection to the Orders until the issues above have been resolved.

Our client reserves the right to add to or expand to their objection and would wish for the objection to be considered at public inquiry in the event that the objection remains unresolved. Until the issues set out above are resolved, our clients consider that the Orders should not be confirmed.

It should however be appreciated that there have been significant, positive and productive discussions with the Acquiring Authority to date and these will continue notwithstanding our client's objection to the Orders.

We anticipate that our clients will be able to withdraw their objections once a legally binding and certain mechanism addressing the above matters is completed with the Acquiring Authority and we will keep the Secretary of State informed in that regard.

For now, we would invite the Acquiring Authority to continue its productive dialogue with our clients via their agent, [REDACTED]

Should there be any queries please do not hesitate to contact us.

Yours faithfully

[REDACTED]

Browne Jacobson LLP

[REDACTED]

