

Our Ref:



Your Ref: n/a

27th November 2020

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Dear Sirs


Leicestershire County Council
(A606 North and East Melton Mowbray Distributor Road) (MMDR)
Compulsory Purchase Order 2020 (the CPO)
Clients: Peter Vincent Hill, Martin John Hill, Pamela Joan Pickup & Mary Elizabeth Hyde
Property: 
Title No: LT397014
Acquiring Authority: Leicestershire County Council

We act on behalf of the aforementioned Clients relating to the Property.

The Property extends to approximately 209.57 acres (84.812 hectares) and is covered by the title number indicated above.

Our Clients are the owners of the Property and are affected by the CPO. They own plots 124, 125, 129, 130, 131, 132 and 133.

The proposal that has now been made has a substantial impact on the Property both in terms of land loss and particularly severance and injurious affection to the balance of the Property. In total the CPO identifies 14.6935 hectares (36.3 acres) to be acquired/used.

The Property is farmed as one unit. Our Clients are owners of other property affected by the CPO and separate representations are being made in respect of that property  – plots 69,77 and 78.

We have also reviewed and object to the associated Side Roads Order because of the impact this will have on the Property.

Our Clients object to the Orders as follows:

1. There has been Developer interest in our Clients' Property, and it is expected that it will in the future be an area on which there will be development. The Compulsory Purchase Orders have prejudiced that position and particularly the roundabout which does not facilitate an access to parts of our Clients' Property within the MMDR and adjoining the existing built development. Prior to the scheme there was no such constraint as a junction could have been provided on the Burton Lazars road that would have facilitated an access to our Clients' Property for other purposes. The Compulsory Purchase Orders give rise to a situation where there is a significant effect on the retained parts of the Property and we continue to maintain our objection for this reason. It materially prejudices the value of our Clients' Property which, in a no scheme world, would be free from such encumbrances. Representations have been made to the Acquiring Authority previously about providing an access from the roundabout.

2. The Property is being severed with much reduced accessibility to parts of the Property. Indeed, it may not be possible to access, or accesses will be limited, and further details on the accommodation works and the scheme design and needed to ensure that adequate access is available. Our Clients object to the roundabout proposed. It substantially affects the remaining parts of the Property which will be prejudiced by the proposed MMDR.
3. Our Clients object to the inclusion of plots 124, 130 and 132 on the basis that the freehold acquisition of those areas should not be necessary. We understand that it is proposed those areas are used temporarily and we have made representations to the Acquiring Authority previously about an alternative mechanism of dealing with these areas. This is under discussion, but until that has been finalised, we do need to reserve our Clients' position and to object to the Compulsory Purchase Orders. The loss of those areas and the works proposed will have a substantial effect on remaining parts of our Clients' Property.
4. It is proposed in the Order that an area is acquired for a footpath that completely dissects the Property. We object to that because of the severance issues and difficulties that will create for the future uses on our Clients' Property. This point has been registered by the Acquiring Authority and a means of dealing with this by way of dedication is being explored. Until that has been concluded, then we need to maintain our objections to the inclusion of that land in the Compulsory Purchase Order.
5. Our Clients object to the inclusion of plot 131 on the basis it is not needed for the MMDR in the longer term. It is shown on the maps as being acquired for temporary rights. Until the detail of the "temporary rights" has been established and it is confirmed that the land will be returned and effectively reinstated, then we uphold our objection to the Compulsory Purchase Orders. We understand this area is likely to be used for temporary soil storage.
6. We object to the inclusion of plot 133 and the freehold acquisition of this area. We understand it is only to be used as a compound. Again, discussions have taken place with the Acquiring Authority who have indicated that they accept the site can be returned and until an arrangement has been agreed, documented and the agreements are in place, we uphold our objection to the inclusion of this area in the CPO process.

Side Roads Order

1. The stopping-up of parts of Lag Lane, which is used as a means of access to parts of the Property, creates severance issues and on this basis, we maintain our objection. Our Clients need to ensure that until such time as adequate provision is made for a legal access to make sure that the severed land, east of the MMDR, can be accessed and that the appropriate accommodation works and future obligations are clear and documented. The plan at Appendix 1 illustrates the land which is severed to the east of the MMDR. The provision of a legal access is critical to ensure that our clients Property can be serviced. The ownership of the areas stopped-up and the rights granted to others could also be prejudicial to our Clients' interest.
2. Where the MMDR meets the Burton Lazars road a new roundabout is being created (RBT6) and a new footpath and access arrangements are expected. Until the precise details of what is to be made available by way of accommodation we maintain our objection and to make sure that our Clients have a satisfactory access with no severance or material detriment to the retained land and which, we understand, will be returned to our Clients to include plots 131 and 133 and the land in our clients title to the east. Until that information and the necessary documentation is in place, we maintain our objection.

Other Matters

1. Given the severance issues in part already referred to, it is essential that during the period of construction our Clients should have good and unrestricted access to the remaining parts of the Property.
2. Generally, discussions continue over accommodation works to make sure that adequate access and services are made available in order to mitigate claims and to ensure our clients land can be used satisfactorily. We maintain our objection until such details have been provided, agreed and documented.
3. Tracks within the Property are to be taken and fields severed and discussions have taken place over provision of new access routes. The detail for that, the width, surfacing, etc. are all matters that still need to be agreed and documented and until such time as that has been resolved, we need to maintain our objection to the Compulsory Purchase Order. The same applies to other related accommodation issues including fencing, drainage, field entrances, gates, signage. We continue to work with the acquiring authority to seek a resolution to these issues, but until such time as they are resolved and documented, we maintain our objection.

Yours faithfully

[REDACTED]

For and on behalf of Brown & Co – Property & Business Consultants LLP

Enc Plan

SHLAA 2019

MBC/049/13



54.58 Ha

26.29 Ha

Scale (A4):
1:10,000

