

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

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

=====

Proof of Evidence on behalf of Bryan Lovegrove Susan Hatton and David Lovegrove

=====

1. Introduction

- 1.1 I am Bryan Lovegrove and this proof is submitted on behalf of Susan Hatton, David Lovegrove and myself ("the Owners").
- 1.2 The Owners are the registered proprietors of a property known as [REDACTED] together with adjoining land to the south fronting Lag Lane (the "Property") which is registered under title numbers [REDACTED] and [REDACTED]. The extent of the Property is shown on the plans at appendix 1.
- 1.3 The Property has an existing unrestricted access from Lag Lane which is public highway. The access from Lag Lane is the principal means of access to the Owners' land to the south of [REDACTED] and is in regular/daily use.

2. The Scheme

- 2.1 To facilitate the construction of a new distributor road to the north and east of Melton Mowbray ("the Scheme") Leicestershire County Council ("the County Council") is promoting the following orders ("the Orders"):-
- The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order 2020 ("the CPO");
 - The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road Classified Road) Side Roads Order 2020 ("the SRO").
- 2.2 The CPO proposes the compulsory acquisition of land interests owned by the Owners identified as Plot 87 in the CPO. Plot 87 comprises 378 square metres of highway and highway verge land (Lag Lane) to the south of Thorpe Arnold.
- 2.3 The SRO proposes that the section of Lag Lane identified as [REDACTED] in the SRO plans is to be stopped up as a public highway. This section runs in a southerly direction from a point which is approximately 30 metres to the north of the Owners' existing access to the Property from Lag Lane to its existing junction with the B676 Saxby Road. The SRO further proposes that Lag Lane becomes a private means of access between points K and M in the SRO and also proposes the creation of a new bridle path between points K and P.

3. The Owners' Objection

- 3.1 The Owners object to the stopping up of Lag Lane as a public highway as proposed in the Orders on the ground that it would be prejudicial to the existing and future access arrangements to the Property with no adequate or sufficient reasonably convenient alternative access arrangements being provided.
- 3.2 The Owners consider that there is no sufficient justification for the stopping up of Lag Lane along the section between K and M in the SRO from which the Property is accessed with no reasonably convenient alternative means of access being provided and that there are, therefore, no compelling reasons for the compulsory acquisition of the Owners' interest in Plot 87.

4. Impacts of the Orders on the Property

- 4.1 The Owners are particularly concerned that the proposal in the Orders to stop up Lag Lane between the points S11 (K-R) will be prejudicial to the existing access to the Property which is in regular use and is well connected to the village without reasonably convenient alternative means of access being provided. The County Council's proposal is to provide some form of barrier at point "K" with key access to the Owners to facilitate access along the new section of bridlepath from point "K" to the access to the Property. The Owners consider this proposal is wholly unsatisfactory and does not constitute a reasonably convenient alternative means for the Owners to gain regular daily access to the Property. The Scheme as proposed in the Orders will therefore be severely prejudicial to the existing access to the Owners' Property.
- 4.2 The Owners also have aspirations to bring forward the Property for housing development which is now being actively progressed. In addition to the longer term development potential of that part of the Property which lies outside the settlement boundary, part of the Property is already within the settlement boundary and is likely to come forward for development in the next couple of years with access to that development potentially being from Lag Lane. The Orders therefore will not only have an unacceptable impact on the Owner' existing use of the Property but also the realistic future use of the Property.

5. Modification to the Scheme

- 5.1 The Owners submit that the Orders should be amended so that the stopping up of Lag Lane is relocated to a point just beyond the access to the Property on Lag Lane. This would mean that Lag Lane would remain a public highway from the point "K" to a point just to the south of the access to the Owners' Property. If that modification is accepted it follows that the CPO should also be amended to exclude the acquisition of the Owners' interests in plot 87 between point "K" and the new suggested stopping up point as that acquisition would no longer be necessary.
- 5.2 The Owners have suggested to the County Council that the Orders are amended to facilitate that suggestion and have written to the County Council to that effect -see attached letter at appendix 2. The Owners have also confirmed to the County Council in that correspondence that they are willing to transfer at no cost to the County Council the necessary land to enable a turning head to be provided at this location should the County consider a turning head would be beneficial/necessary.
- 5.3 The Owners consider that such an alternative proposal would have a number of benefits:-
- It would enable the existing access to be maintained to the Owners' Property ie for access to remain from the public highway;
 - It would still enable the County Council to achieve its principal objectives in relation to the stopping up of Lag Lane and the creation of a bridal path along the majority of its length;
 - There is currently nowhere within the village envelope of Thorpe Arnold for the visiting library van/refuse lorries or emergency vehicles to turn round without using private accessways/driveways. The provision of a turning head in the location proposed would have the added benefit of providing a facility for these vehicles to turn round without having to use private driveways;
 - The proposal would not entail additional costs for the County Council.
- 5.4 The County Council have previously indicated a concern that moving the stopping up of Lag Lane to the location suggested by the Owners would lead to fly tipping. The Owners do not consider that there is any materially greater risk of this occurring in the Owner's modified proposal as opposed to the proposal in the orders. The stopping up of Lag Lane

as proposed by the Owners would still be in close proximity to the village and the boundary of the nearest residential properties. It would also be immediately adjacent to the access to the Owners' Property which is in regular use. There would therefore continue to be natural surveillance of this location. Further, should it ever become apparent that any fly tipping occurs then the Owners would look to instal CCTV to further enhance the surveillance of this location.

6. Conclusion

6.1 The Owners object to the Orders as proposed and would request that that the Orders be modified by the Secretary of State as set out above namely that:-

- the SRO is amended so that Lag Lane is stopped up from a point just to the south of the Owners' access from Lag Lane rather than point "K" and remains public highway between "K" and the new suggested stopping up point; and

-the CPO is amended to exclude the acquisition of the Owners' interests in plot 87 between point "K" and the new suggested stopping up point as that acquisition would no longer be necessary.

Appendix 1

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

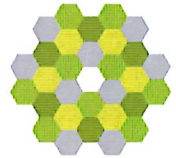
This official copy is issued on 20 November 2020 shows the state of this title plan on 20 November 2020 at 12:46:40. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

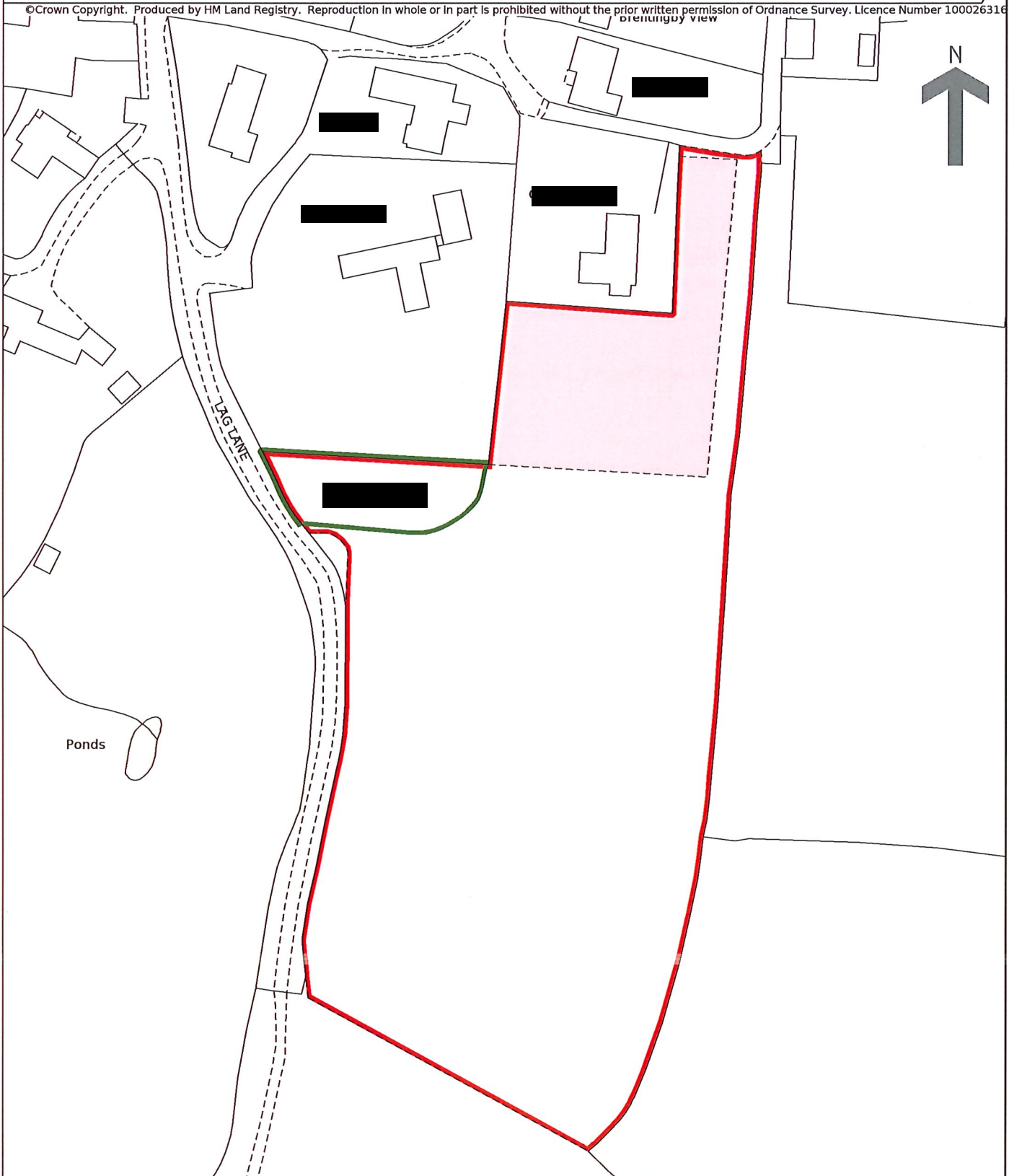
This title is dealt with by the HM Land Registry, Leicester Office .

HM Land Registry
Official copy of
title plan

Title number [REDACTED]
Ordnance Survey map reference [REDACTED]
Scale **1:1250 enlarged from 1:2500**
Administrative area **Leicestershire : Melton**



©Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316



These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

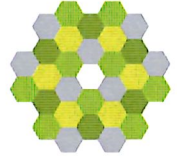
This official copy is issued on 20 November 2020 shows the state of this title plan on 20 November 2020 at 12:46:15. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

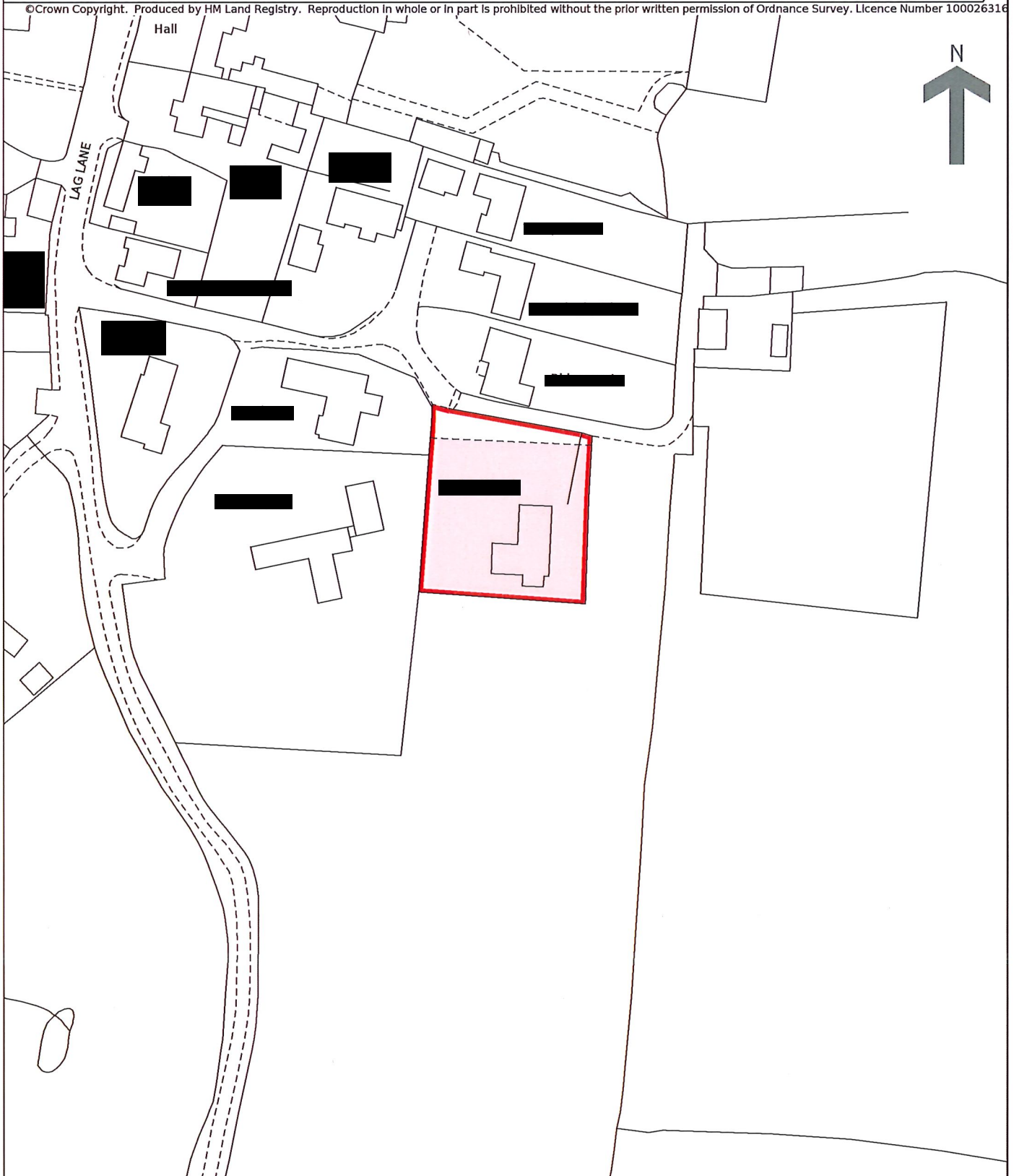
This title is dealt with by the HM Land Registry, Leicester Office .

HM Land Registry
Official copy of
title plan

Title number [REDACTED]
Ordnance Survey map reference [REDACTED]
Scale **1:1250 enlarged from 1:2500**
Administrative area **Leicestershire : Melton**



©Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316



Appendix 2

Adam Lakin
Project Manager
Asset & Major Programmes
Environment & Transport
Leicestershire County Council

Our Ref: [REDACTED]

Date: 25 August 2021

Direct Line: [REDACTED]

By email: [REDACTED]

Please ask for [REDACTED]

Dear Sirs

Re: **The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road)
Compulsory Purchase Order/Side Roads Order 2020**

We have previously submitted objections to the above orders on behalf of our clients Susan Hatton, David Lovegrove and Bryan Lovegrove who were the owners of a property known as Cedar Wood together with adjoining land fronting Lag Lane to the south. Those objections set out the basis on which our clients object to the orders.

Our clients are particularly concerned that the proposal in the orders to stop up Lag Lane between the points S11 (K-R) will be prejudicial to the existing access to their property which is in regular use and is well connected to the village without reasonably convenient alternative means of access being provided. The County Council's proposal to provided barriers with key access to our clients is wholly unsatisfactory and does not constitute a reasonably convenient alternative means for our clients to gain access to their property.

The County is also aware of our clients' aspirations to bring forward their land for housing development and which is now being actively progressed by our clients. In addition to the longer term development potential of that part of our clients' landholding which lies outside the settlement boundary, part of our clients' land is already within the settlement boundary and is likely to come forward for development in the next couple of years with access to that development potentially being from Lag Lane. The orders therefore will not only have an unacceptable impact on our clients' existing use of the property but also the realistic future use of the property.

Our clients remain of the view that the stopping up of Lag Lane should be relocated to a point just beyond the access to our clients' property in Lag Lane – see attached plan. We confirm our clients are also willing to transfer at no cost to the County Council the necessary land to enable a turning head to be provided at this location should the County consider that would be beneficial/necessary.

Our clients consider that such an alternative proposal would have a number of benefits:-

- It would enable satisfactory access to be maintained to our clients' property;

hilldickinson.com

The Hill Dickinson Legal Services Group has offices in Liverpool, Manchester, London, Leeds, Sheffield, Piraeus, Singapore, Monaco and Hong Kong.

Hill Dickinson LLP
50 Fountain Street, Manchester, M2 2AS

- It would still enable the County Council to achieve its principal objectives in relation to the stopping up of Lag Lane and the creation of a bridal path along the majority of its length;
- There is currently nowhere within the village envelope of Thorpe Arnold for the visiting library van/refuse lorries or emergency vehicles to turn round without using private accessways/driveways. The provision of a turning head in the location proposed would have the added benefit of providing a facility for these vehicles to turn round without having to use private driveways;
- The proposal would not entail additional costs for the County Council.

In relation to the County Council's stated concern that moving the stopping up of Lag Lane to the location suggested by our clients would lead to fly tipping, our clients do not consider that there is any materially greater risk of this occurring in our clients' proposal as opposed to the proposal in the orders. The stopping up of Lag Lane as proposed by our clients would still be in close proximity to the village and the boundary of the nearest residential properties. It would also be immediately adjacent to the access to our clients' property which is in regular use. There would therefore continue to be natural surveillance of this location. Further, we are instructed that should it become apparent that any fly tipping occurs then our clients would be willing to instal CCTV to further enhance the surveillance of this location.

If our clients' proposal is acceptable to the County Council we confirm our clients are willing to withdraw their object to the orders.

We look forward to hearing from you.

Yours faithfully

Hill Dickinson

Hill Dickinson LLP

Turning head
Lag Lane, Thorpe Arnold.
Scale 1:1250 at A4

