



Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State

Date: 15 February 2022

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**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**

Inquiry Held on 21 September – 30 September 2021

Inspections carried out on 16 September 2021 and 26 October 2021

File Ref: DPI/M2460/21/2

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ABBREVIATIONS

AA	Acquiring Authority
CPO	Compulsory Purchase Order
CEMP	Construction Environmental Management Plan
DMRB	Design Manual for Roads and Bridges
ES	Environmental Statement
LCA	Landscape Character Area
LCC	Leicester County Council
LVIA	Landscape and Visual Impact Assessment
MBC	Melton Borough Council
MNSN	Melton North Sustainable Neighbourhood
NEMMDR	North East Melton Mowbray Distributor Road
NMU	Non-Motorised User
NPPF	National Planning Policy Framework
PMA	Private Means of Access
SoS	Secretary of State
SOAEL	Significant Observed Adverse Effect Level
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
The Guidance	Guidance on Compulsory Purchase Process and The Crichel Down Rules

The Side Roads Order

- The Side Roads Order was made under Sections 14 and 125 of the Highways Act 1980 and is known as The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road, Classified Road) (Side Roads) Order 2020
- The Order was made on 29 July 2020.
- The Order would provide for the improvement and construction of highways; the stopping up of highways and private means of access; the provision of new means of access and the construction of a new highway.

Summary of Recommendation: That the Order be confirmed with modifications.

The Compulsory Purchase Order

- The Compulsory Purchase Order was made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980, and the Acquisition of Land Act 1981. It is known as The Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order 2020
- The Order was published on 8 October 2020. The Order would authorise the compulsory acquisition of all the land needed to construct the new road, associated junctions and cycleways and footways and overbridges, the diversion of, and carrying out of works on, non-navigable watercourses and for all necessary alterations to side roads as provided by the above-mentioned Scheme and draft Side Roads Order.

Summary of Recommendation: That the Order be confirmed with modifications.

1.0 Introduction

1.1 The Applicant Council is the Highway Authority for the local road network in the administrative area containing the road scheme known as the North and East Melton Mowbray Distributor Road (the NEMMDR). This scheme comprises the construction of a new highway between the A606 Nottingham Road (south of the property known as Sysonby Farm) and the A606 Burton Road (at the junction with Sawgate Road) to the north and east of Melton Mowbray, in the Borough of Melton, all in the County of Leicestershire.

1.2 By letter dated 3 February 2021 the Secretary of State for Transport (SoS) confirmed that he intended to hold a Public Inquiry into the Orders which had been submitted by Leicestershire County Council (LCC). I was subsequently appointed as the Inspector to conduct a Public Inquiry and to write a report with a recommendation into the above Orders.

1.3 I held a Pre-Inquiry meeting on 6 July 2021, with the Inquiry scheduled to open on 21 September 2021. Due to the Covid-19 pandemic both the Pre-Inquiry meeting, and the Inquiry itself, took place as virtual events, with all parties connecting via the Microsoft Teams platform. I have been greatly assisted throughout the Inquiry by the services of Mr Robert Young who was the appointed

Programme Officer. The virtual Pre-Inquiry meeting was convened to discuss the procedure for the Inquiry and the timetable for the submission of documents. The Inquiry sat on 21-24, 28 & 30 September, 2021. I closed the Inquiry in writing by letter dated 8 October 2021¹

- 1.4 I made an unaccompanied site inspection prior to the commencement of the Inquiry, and a further inspection on 26 October 2021 in accordance with a programme and itinerary submitted by the Council to the Programme Officer. During this inspection I was accompanied by the Programme Officer and for part of the inspection, by representatives of the Council.
- 1.5 In total there were 22 objections to the Orders, including 19 Statutory Objectors. Following the Pre-Inquiry Meeting the Council continued efforts to negotiate with all objectors. Such was the success of those negotiations that, at the opening of the Inquiry, there remained 18 objectors at the start of the Inquiry.² During the course of the Inquiry further objections were withdrawn.³ The Inquiry was held open to allow for Network Rail (OBJ 07) to confirm in writing that its objection was withdrawn. This was duly received on 5 October 2021⁴ and the Inquiry was closed in writing. Thus, at the close of the Inquiry 13 objections remained, including 3 non-statutory objectors and an objection from the former owners of Spreckley's Farm (OBJ 17) which was sold prior to the commencement of the Inquiry. The new owners, Wilson Enterprises (OBJ 22), submitted an objection that was withdrawn during the course of the Inquiry. The Council was unable to make contact with OBJ 1 and treated the objection as withdrawn.
- 1.6 The Scheme would affect land and apparatus in the control of six statutory undertakers, namely Severn Trent Water, Western Power Distribution, Cadent and GTC, BT Openreach, Virgin Media and Network Rail. In all cases diversionary or mitigation works have been agreed and there are no objections to the Order being made from these statutory undertakers.⁵
- 1.7 The Acquiring Authority (AA) was represented at the Inquiry and called twelve witnesses.
- 1.8 There were 68 modifications requested to the Side Road Order (SRO) and 3 modifications to the Compulsory Purchase Order (CPO). A schedule of the proposed modifications is provided at Appendix E. These modifications are considered at Section 3.0 below.
- 1.9 Planning permission for the Scheme, subject to conditions, was granted by the Council on 4 June 2019.⁶

¹ INS/ID2

² OBJ 2 (Western Power Distribution), OBJ 4 (Mr & Mrs Spencer), OBJ 10 (Jelson Ltd) & OBJ 18 (Western Range Ltd) were all withdrawn prior to the Inquiry.

³ OBJ 7 (Network Rail), OBJ 8 (Mr & Mrs Skelton), OBJ 09 (Mr & Mrs Holt), OBJ 11 (Framland Farm), & OBJ 22 (Wilson Enterprises) were withdrawn during the course of the Inquiry.

⁴ WD/OBJ07

⁵ CD OL1 Paragraphs 12.13 -12.22

⁶ CD P3-2

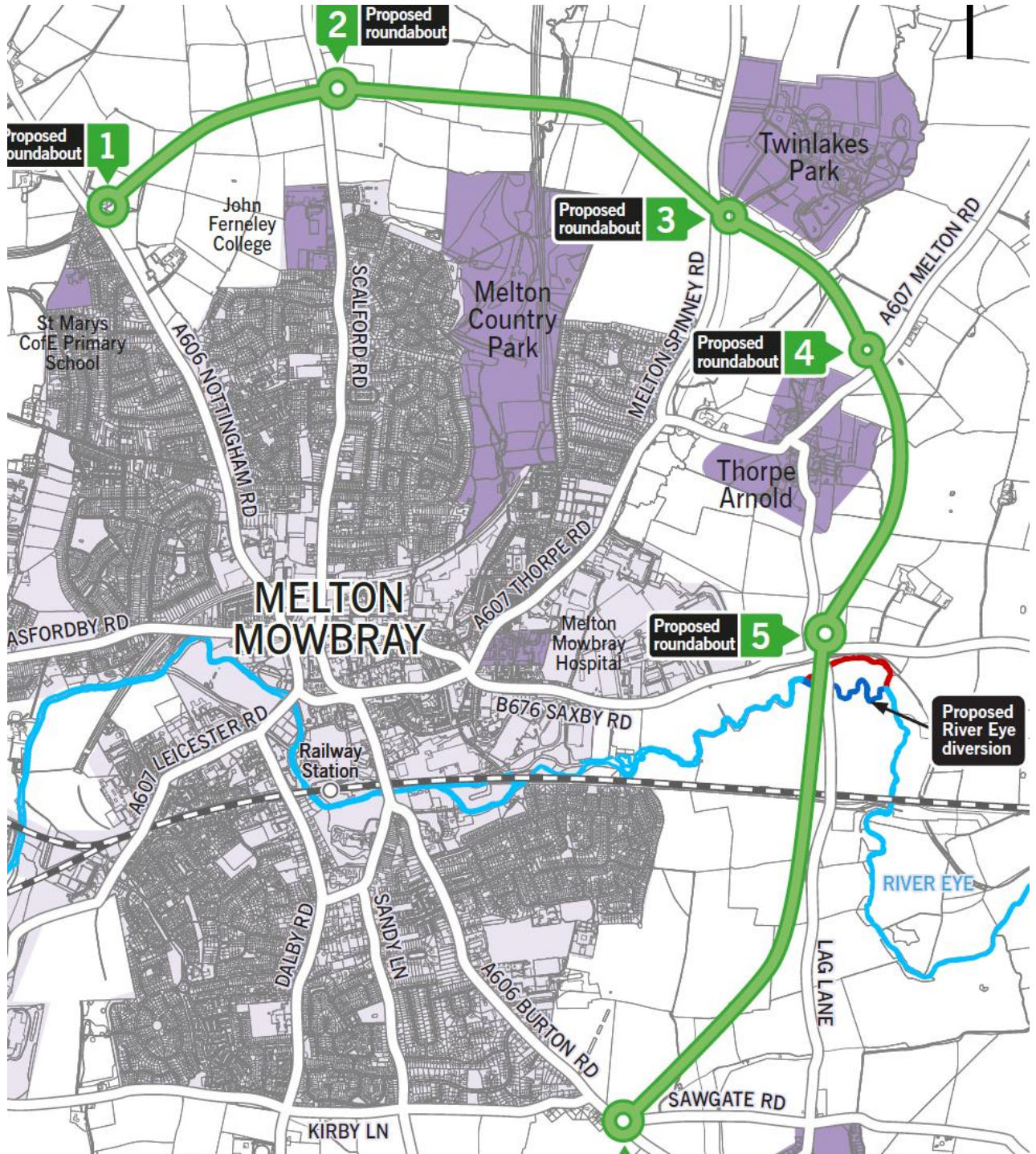
The Published Scheme

- 1.10 The NEMMDR Scheme can be seen on the 21 general arrangements drawings which accompanied the Scheme.⁷ The Scheme is approximately 7.1km long and proposes the construction of a new highway between the A606 Nottingham Road (south of the property known as Sysonby Farm) and the A606 Burton Road (at the junction with Sawgate Road) to the north and east of Melton Mowbray, in the Borough of Melton.
- 1.11 The Scheme includes the construction of new bridges and culverts along the aforesaid new highway, including four main clear-span structures:
- Scalford Brook Bridge;
 - Thorpe Brook Bridge;
 - River Eye Bridge; and
 - Railway Bridge.
- 1.12 It also includes the construction of a 3m wide off-carriageway shared footway/ cycleway adjacent to the north bound lane over the full extents of the aforesaid new highway.
- 1.13 The construction of new ancillary highways to connect the new highway with the existing road system in the Borough of Melton, together with the improvement of the following existing highways:
- A606 Nottingham Road;
 - Scalford Road;
 - Melton Spinney Road;
 - A607 Waltham Road;
 - A676 Saxby Road;
 - Burton Road.
- 1.14 The change of the permitted use of part of Lag Lane and Sawgate Road from its use as an Unclassified County Road to its use as a bridleway and private means of access. The change of the permitted use of part of Right of Way E25 from its use as an Unclassified County Road to its use as a bridleway.
- 1.15 The construction of other highways, the improvement of existing highways and the provision of new private means of access (PMA) to premises in pursuance of the Leicestershire County Council A606 North and East Melton Mowbray Distributor Road, Classified Road (Side Roads) Order 2020. The use by the AA in connection with the construction and improvement of highways and the provision of new means of access as aforesaid.
- 1.16 The diversion of the River Eye Site of Special Scientific Interest (SSSI) and other existing drainage and watercourses in connection with the construction of highways, including the construction of attenuation ponds and flood compensation areas and the provision of new means of access to the attenuation ponds and the creation of flood compensation areas. Mitigating the adverse effect, which the existence or use of the highways proposed to be constructed or

⁷ SAD17

improved will have on the surroundings thereof, through the creation of ecological enhancement areas and new landscaping.

GENERAL ALIGNMENT OF SCHEME



The Compulsory Purchase Order

1.17 The Order lands are required for the purpose of constructing the NEMMDR and implementing the Side Roads Order (SRO). Individual plots are depicted in

the CPO Plans and are more fully described in the Schedule annexed to the CPO. The Scheme as published includes a total of 145 plots of land.

- 1.18 Some plots are required on a temporary basis to provide working space, compounds, soil storage and utility diversions during the construction of the Scheme. 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 changed significantly, for example the soil storage areas and areas for shorter-term construction access, they have been included as a rights plot (blue land). Plots where the 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 are detailed at Table 1 of the Council's Statement of Case.⁸
- 1.19 However, there is no legal mechanism to enable the Council to compulsorily acquire land on a temporary basis. It is the Council's intention to offer these plots back to the original owner when construction is complete, subject to any necessary rights granted to statutory owners or rights of access acquired by the Council. This approach accords with the Ministry of Housing, Communities and Local Government (MHCLG)⁹ Guidance on Compulsory Purchase Process and Crichel Down Rules (The Guidance) and I am satisfied that it represents a reasonable approach.¹⁰

2.0 Procedural Matters and Statutory Formalities

- 2.1 The Applicant confirmed at the Inquiry that it had complied with all necessary statutory formalities in relation to both the CPO and the SRO. This compliance was not disputed.
- 2.2 The Applicant submitted a planning application and planning permission has been granted in relation to the proposed Scheme in June 2019, subject to planning conditions.¹¹ The planning permission requires the submission of detailed plans in relation to several matters including, advanced mitigation works, and the submission of a detailed Construction Environmental Management Plan (CEMP) and Biodiversity Management Plan prior to the commencement of development.
- 2.3 The Environmental Statement (ES) has been undertaken and reported in accordance with the Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 and having regard to the amended provisions under the Highways Act 1980. These Regulations apply the amended EU directive 2014/52/EU "on the assessment of the effects of certain public and private projects on the environment" (usually referred to as the 'Environmental Impact Assessment Directive') to the planning system in England. On 31 December 2020 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

⁸ CD OL4

⁹ Now Department of Levelling Up Housing and Communities

¹⁰ CD PPG12

¹¹ CD P3-2

came into force and made changes to the 2017 Regulations. For the purposes of my assessment, they do not make any material difference.

2.4 The ES was published in October 2018.¹² The ES comprises three volumes; a main text; appendices, figures, drawings and supporting documents as well as a non-technical summary. It includes comments from statutory consultees, and any other substantive information relating to the ES provided by the Applicant. An Addendum to the ES was published in March 2019.¹³ It incorporates a number of minor updates and refinements to the proposed Scheme preliminary design. It includes further work undertaken in response to consultee responses on the planning application and provides additional information, (where information was not available at the time of writing) that has subsequently become available. I am satisfied that the ES, including the Addendum is a comprehensive and robust assessment.

2.5 I have taken all of these documents and the submitted environmental information, into account in reaching my recommendation.

3.0 Modifications

SRO

3.1 The Applicant submitted 68 modifications to the SRO prior to the commencement of the Inquiry. These are set out in the Table of Modifications (MOD1), Further Modifications (MOD18) and on plans:

- SRO Plan 1 Rev C02
- SRO Plan 2 Rev C02
- SRO Plan 3 Rev C02
- SRO Plan 3A Rev C02
- SRO Plan 4 Rev C02
- SRO Plan 4 Rev C03
- SRO Plan 4A Rev C02
- SRO Plan 4A Rev C03
- SRO Plan 5 Rev C02
- SRO Plan 5A Rev C02
- SRO Plan 6 Rev C02
- SRO Plan 6A Rev C02
- SRO Plan 7 Rev C02
- SRO Plan 7A Rev C02
- SRO Plan 7B Rev C02

These modifications were discussed at the Inquiry and the Council asks for the SRO to be confirmed in modified form. A revised Schedule to the SRO, that includes the proposed modification was submitted (MOD3A) and is included at Appendix D.

3.2 For the most part the modifications cover minor changes to the text in the interests of precision, as well as modifications to address specific objections and/or

¹² CD P 3-5

¹³ CD P3-75

representations. The modifications do not require the extant planning permission to be varied or any further assessment of effects in terms of the ES.

- 3.3 The Council consulted on these modifications by letter dated 6 September 2021.¹⁴ One response was received seeking clarification as to whether the proposed modifications would involve any additional land take. The Council confirmed that this would not be the case by letter dated 19 September 2021.
- 3.4 As detailed in the table of Modifications and Further Modifications (MOD1 and MOD18) the proposed amendments are largely in the interests of clarity and/or precision. I shall therefore confine my comments to material changes to the Scheme.
- 3.5 Modification 2 proposes an additional PMA (X3A) to be stopped up over a length of 10 metres. The AA state that no alternative access is required since that the land is all in the same ownership, and the failure to include this in the original Order was an oversight.
- 3.6 Modifications 7 and 8 both propose additional PMAs (7A & 7B). Modification 7 is necessary to mitigate the loss of the existing access under the railway bridge. Modification 8 is a new PMA needed to mitigate the acquisition of Plot 42 and allow access to the outflow of the balancing pond.
- 3.7 Modification 15 proposes the stopping up of a PMA (X5) along Melton Spinney Road. Alternative access is provided by Modification 19 (8B) a short distance to the north.
- 3.8 Modification 16 proposes the stopping up of a PMA (X6) along Melton Spinney Road. A replacement PMA is proposed by Modification 18 (8A) a short distance to the south.
- 3.9 Modification 31 proposes a new PMA (12A) to the South of the A607 Waltham Road. The access links the edge of the carriageway to the land concerned. It has been proposed in the interests of clarity.
- 3.10 Modifications 33 and 34 propose the stopping up of PMAs (X7 and X8) along Lag Lane. Modification 37 proposes a PMA under the River Eye proposed bridge spans (16D). The AA confirmed that this had been assessed within the ES.
- 3.11 Modification 35 proposes a PMA (15A) to maintain access for the adjacent landowner across the culverted section of the realigned Lag Lane watercourse. The AA explained that the failure to include this in the original SRO was an oversight. Modification 36 proposes a PMA to maintain access to the field to the south of Saxby Road.
- 3.12 Modification 41 proposes stopping up a PMA (X9) in the interests of clarity. The AA states that a replacement access is not required because an alternative access is available and would be unaffected by the proposals.

¹⁴ LCC/ID2

- 3.13 Modifications 42 and 43 propose new PMAs (16B and 16C) to maintain access for the adjacent landowner across the river channel and across a culverted section of the back-water connection channel. These are minor modifications that clarify and formalise the arrangements shown on the plans.
- 3.14 Modifications 45 and 46 propose a PMA to maintain access off the NEMMDR to a field to the west of the NEMMDR (17A) and a PMA to maintain access for the adjacent landowner across a culverted section of the outfall from balancing pond (17B). 17A was shown on the General Arrangement Plans but omitted from the SRO. 17B comes within Plot 108 and would formalise arrangements to allow the landowner to cross the culvert.
- 3.15 Modification 53 proposes the stopping up of a PMA to fields north of Sawgate Road, east of NEMMDR in the interests of clarity. Alternative access is provided by a new PMA located to the north of roundabout 6 (23 in the SRO) which was included in the original Order. Modification 55 removes PMA 24 which was included erroneously.
- 3.16 Modification 62 proposes the realignment of Bridleway N4 following landowner negotiations and to segregate the bridleway N4 from the PMA 9 which will be used for agricultural purposes including the movement of cattle. The modification has been enabled by the approval on 10 September 2021 of a s96A non-material amendment to the extant planning permission for the realignment of bridleway N4.
- 3.17 Modifications 63-68 amend the description within the SRO to include access for the purposes of Network Rail.
- 3.18 Having regard to the descriptions of these proposed modifications and the explanations as to why they are considered necessary, together with the evidence presented to the Inquiry, I agree that they all relate to relatively minor matters which would not affect the extent or scale of the proposals. Because of this I do not consider that any of the modifications would materially alter anyone's understanding of the Order and I therefore consider that no further formal consultation on these modifications is necessary.
- 3.19 I consider that all the submitted modifications to the SRO are necessary to address specific objections, and for clarity and accuracy. I further consider that they can all be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980. I recommend that they be accepted.

CPO

- 3.20 The Council also proposed three modifications to the CPO. These are set out in the Table of Modifications (MOD1), and CPO Plan 5 of 7 Rev P02 (MOD4). An amended CPO Schedule, including the modifications was submitted (MOD2).
- 3.21 The modifications to the CPO include the removal of Plots 92 and 100 following a review of working arrangements. The other modification relates to Plot 96 where the description has been amended to reflect that this is a rights Plot.

3.22 These amendments all represent a reduction in the land interests to be acquired and would not be prejudicial to any party. It is therefore recommended that they be accepted.

4.0 Description of The Order Lands and Surroundings

4.1 The Order Lands lies to the north and east of Melton Mowbray. 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.

4.2 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.

4.3 The Scheme crosses a dismantled railway that runs north/south between Scalford Road and Melton Spinney Road, adjacent to the Scalford Brook. Twinlakes Theme Park is located to the north east of the route alignment near to the proposed new roundabout junction with Melton Spinney Road (roundabout 3).

4.4 The route crosses the Leicester to Peterborough railway line to the south of Saxby Road. The proposed road either directly crosses or is within 1km of the following Main Rivers and Ordinary Watercourses:

- River Eye (Main River) SSSI: to be crossed by the Scheme south of the existing Lag Lane and Saxby Road junction;
- Scalford Brook (Ordinary Watercourse);
- Thorpe Brook (Ordinary Watercourse);
- Burton Brook (Ordinary Watercourse).

4.5 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 and Scalford Brook. A 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.

4.6 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. 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.

5.0 Law and Policy

5.1 The SRO is made under Sections 14 and 125 of the Highways Act 1980. These provisions allow the Secretary of State, by Order, to authorise the stopping

up of any highway or PMA and the provision of any improved or replacement highway, footpath and PMA, or new means of access to premises adjoining or adjacent to a highway. For an Order stopping up a PMA under section 125 of the Act to be approved, the SoS must be satisfied that continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.

5.2 The SRO would also provide for the transfer of the new highways to LCC, the local highway authority as from the date that the new highway has been completed and it is open for through traffic.

5.3 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus.

5.4 The draft CPO is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Parts II and III of Schedule 2 to the Acquisition of Land Act 1981. For the CPO to be confirmed, the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to mitigate any adverse effects which the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.

5.5 The CPO would authorise the acquisition of land and rights for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land and rights to enable mitigation measures to be implemented as an integral part of the Scheme.

5.6 In addition to the tests detailed above, the Guidance¹⁵ stipulates that, for land and interests to be included in a CPO, there must be:

- a compelling case for acquisition in the public interest;
- that this justifies interfering with the human rights of those with an interest in the land affected;
- that the AA has a clear idea of how it intends to use the land it seeks to acquire;
- that the AA can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and
- that the scheme is unlikely to be blocked by any impediment to implementation.

6.0 The Policy Context

6.1 In terms of trunk roads, section 10(2) of the Highways Act 1980 requires the Minister to *take into consideration* the requirements of national and local planning policy, including the requirements of agriculture, in making decisions.

¹⁵ CD PPG12

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England.¹⁶ At the heart of the NPPF is a presumption in favour of sustainable development, which should be considered through both plan-making and decision-taking. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity and that planning policies should provide for any large-scale transport facilities needed and the infrastructure necessary to support the operation, expansion and contribution to the wider economy.
- 6.3 The development plan for the NEMMDR area in June 2019 comprised the Melton Local Plan (adopted 10 October 2018) and the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (approved on 12 April 2018).
- 6.4 The Melton Local Plan seeks to deliver a sustainable pattern of high-quality development which amongst other matters:
- Provides the necessary infrastructure to support economic and population growth.
 - Meets the needs of businesses to provide a diverse, competitive and innovative economy with high levels of local employment and good opportunities for training; and
 - Meets the current and future housing needs of the whole community.
- 6.5 The Local Plan envisages that in 2036: 'There will be improved connectivity and ease of movement within and across the town, and to and from the nearby larger centres'. It seeks to provide 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, as well the surrounding villages.
- 6.6 A significant proportion of new homes suitable for first time buyers, young families and those on lower incomes, will have helped balance the local housing stock and slow down or reverse the trend towards an ageing population. It will also have increased the vibrancy of neighbourhoods, and helped to sustain local shops, schools and other services, both in Melton Mowbray and many of the villages.
- 6.7 The Local Plan envisages that most new housing and employment development will take place within or on the edge of Melton Mowbray. Local Plan policy IN1- Melton Mowbray Transport Strategy outlines how Melton Borough Council (MBC) will work with LCC and others to deliver a transport strategy for Melton Mowbray to reduce the impact of the traffic using routes into and within Melton Mowbray Town Centre, and measures to improve the existing road network within the town centre. It states that the most appropriate way to facilitate Melton Mowbray's future growth would be via a Melton Mowbray Distributor Road (MMDR) from the A606 Nottingham Road to the A607 Leicester Road around the

¹⁶ CD PPG8

east of the town. It was found that this would have the greatest positive long-term effects on traffic congestion within the town centre and offer best value for money.

6.8 Policy SS5 seeks to deliver Melton North Sustainable Neighbourhood (MNSN) with 1,700 homes, employment and community facilities. The delivery of the NEMMDR is a key element of the transport strategy for MNSN.

6.9 Planning permission has been granted for the Scheme which was found to comply with the development as a whole.

7.0 Case for the Council

7.1 The objections to the Scheme did not challenge the need for it, or the advantages it would bring in seeking to address the various objectives underlying the proposals. Nor did they challenge the traffic justification, the benefits that would arise, the selected route or the design approach.

7.2 The agreements reached with various parties by LCC, which led to their objections being withdrawn, as well as in respect of the objections which remain that were not resolved, has not changed the proposed Scheme. It can be taken therefore as a clear indication that the Scheme is in the right place to meet its ambitions, it is successful in meeting its objectives and it has done so in the most appropriate way.

7.3 The comments from Melton Borough Council are a comprehensive, unreserved, and a ringing endorsement of the position as well as an identification of the significant, strategic, and essential advantages which arise from the Scheme. The question is as to the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social, or environmental wellbeing of the area.

7.4 The Scheme is essential to the continued growth and further improvement within Melton Mowbray and without it the advantages cannot be achieved. There are advantages in respect of traffic congestion, HGV movements, air quality and noise implications as well as other factors.

7.5 MBC supports the County Council in the delivery of the NEMMDR. The Scheme is listed as being of the highest priority for MBC in terms of developer contributions. This position is reflective of the advantages which arise from it.

7.6 There is a strong and weighty level of support for the Scheme which recognises the essential role it is to play in meeting local needs and ambitions and providing for much needed growth.

The Orders

7.7 The SRO and the CPO, with their specific titles are drafted in the appropriate technical language required to meet the provisions of the applicable forms and Statutes. In respect of both Orders there are specific technical steps that have to be complied with and specific forms to be followed. All requirements have been met to the best of their knowledge and belief.

The Planning Permission

- 7.8 The planning permission was granted, subject to conditions, on 4 June 2019. A minor alteration to it was granted recently. The conditions are in the course of being addressed. There are no onerous conditions, or any that are likely to have any detrimental effect on meeting the date permitted by the permission.
- 7.9 The work being undertaken in relation to the discharge of conditions has enabled certain locations where the SRO itself can be improved. Those improvements, many of which relate to PMAs and agricultural access have been brought forward as modifications to the Orders to ensure the accurate, consistent, and complete picture is presented.
- 7.10 As part of the Local Plan and its subsequent adoption a great deal of work was undertaken by the Council to identify the most appropriate route option. This matter was considered as part of the Local Plan and the Local Plan introduced a protective corridor reflecting the need for the Scheme. A number of matters were raised which necessitated further investigation and work which resulted in further public consultation prior to the matter being considered for a grant of planning permission.
- 7.11 The Council's ambition throughout was to ensure the Scheme was publicised to the full extent and that it was carried forward to ensure anyone interested was fully informed about the Council's intentions with the ability to contribute to the end result. It was a full and transparent exercise from start to finish. This has enabled comment to be made throughout and those comments, where appropriate, have been taken on board as part of the design. The public are well aware of the Scheme and where possible the Council has reacted in a positive and supportive way.

The Scheme Summary

- 7.12 Details of the Scheme are set out in the evidence of its witnesses, including a description of the proposals by Miss Walker. There are identifiable advantages to the Scheme. In air quality and noise there are improvements arising from the Scheme.
- 7.13 The approach to the SSSI is a major advantage arising from the Scheme. Although the works would be significant the bodies responsible for it are supportive. This matter should be given significant weight in looking at the proposal overall.
- 7.14 Traffic will be removed from the town centre, enabling more sustainable types of travel to be promoted such as cycling and walking, as well as the promotion of public transport measures. This would bring forward changes and improvements in environmental terms. Leicester and Leicestershire Strategic Growth Plan identifies Melton as a key centre and strategic growth area, with specific reference to economic growth in agri-food and drink processing. The Scheme would provide the means by which the town can grow and develop.

- 7.15 The need for the Scheme and the advantages and benefits which arise from it have been clearly established. The cost benefit exercise has disclosed a very healthy return of 3.2. This is a further example of the benefits arising from the Scheme overall.
- 7.16 The Scheme has been designed to meet the requirements of the Design Manual for Roads and Bridges (DMRB) and has been through the relevant and applicable design process. The Scheme will be around 7km in length and runs from the A606 Nottingham Road in the north to the A606 Burton Road to the south of Melton Mowbray. As such it provides a road that would bypass the town centre. As it connects into all the more significant roads it crosses via a series of six roundabouts it will act as a distributor of traffic around the north and eastern side of the town.
- 7.17 In order to accommodate the anticipated traffic, the Scheme requires a single carriageway at 7.3 metres wide but with a further and segregated 3-metre-wide footway/cycleway running along the length of the Scheme. Connections to existing cycle routes would be made at the various junctions. There would be a 40 mph speed limit between roundabouts 1 to 3 and a higher speed limit thereafter. This would reflect the more urban character of the northern part of the Scheme. The route selected is a balance between being close enough to the town itself to ensure that it attracts the traffic it is intended to serve whilst seeking to minimise impacts on residents.
- 7.18 There are a number of watercourses within the route corridor in addition to the SSSI location which have been addressed in the overall design. The advantage offered by using bridges to cross these watercourses, allows them to provide crossing points either for the public or PMAs and minimises the need for such structures. The drainage requirements have been assessed in detail to ensure that the Scheme can be built, used, and maintained in accordance with the appropriate requirements, including allowances for climate change and the implications arising therefrom.
- 7.19 All PMAs and necessary changes to enable the Scheme to be built and operated have been identified. The roundabouts would be built offline where appropriate to seek to minimise conflict with, and use of, the current network. All haul routes necessary to build the Scheme have been included to achieve that aim.
- 7.20 Mitigation measures, whether in the form of noise fences, landscape provision or similar are included within the planning permission and will come forward with the Scheme to ensure they are provided. Mitigation measures at Grammar School Farmhouse, close to roundabout 2, would be in place early in the process. If the need for other mitigation in relation to construction is identified it would be considered as part of the Scheme construction.
- 7.21 Lag Lane would be closed off over much of its length, removing motorised through traffic. It would provide a new dedicated bridleway for the enjoyment of pedestrians, cyclists, and horse riders. Overall, the Scheme provides a comprehensive solution to the movement of traffic from north of the town to the south and by connecting back into the roads accessing the town it will encourage traffic to use the most appropriate route for its journey.

- 7.22 The topography around the north and eastern edge of the town is varied. The ambition of the Scheme earthworks is to achieve a cut and fill balance to avoid costly, and unnecessary movement of spoil to or from the site.
- 7.23 The principles that apply in relation to the use of compulsory purchase powers are well established and have been set out in a variety of guidance notes and documents over the years.

The CPO Tests

- 7.24 A CPO should only be made where there is a compelling case in the public interest. In this case there is.
- 7.25 The second question relates to the interference with owner's rights. Does the purpose for which the CPO is being brought forward justify the interference with the Human Rights of the affected owner? Given the essential need for the road, and that no one is suggesting it could be provided elsewhere whilst still meeting the planning objectives for the area, the answer is yes.
- 7.26 Whether the AA has a clear idea of how it intends to use the land to be acquired. In respect of all the land within the CPO the answer is yes. The land acquisition justification relates exactly to the detail of the areas contained within the planning permission as applied for and now granted.
- 7.27 Can the AA demonstrate that the resources to carry out the plans within a reasonable timescale exist? Miss Walker has obtained from the Council confirmation that the funding arrangements will be available in accordance with the requirements. The Council has identified specific pots of money available but further it has identified how the remainder will be obtained. That has been done by indicating other funds may be available but, in any event, confirming that the Council will underwrite the process from funds. As such that is a guarantee of the resources being available in accordance with the test.
- 7.28 The Council is keen to progress the matter and has a target commencement date in mind of 2022, subject to the outcome of this Inquiry, in order to ensure that it falls within the funding arrangements that are in place.
- 7.29 Whether there are any impediments which are likely to interfere with the progress of the Scheme? There are no known impediments to the Scheme progressing. The cost of the Scheme has increased, which reflects that the costs have been re-assessed recently and the means by which it will be paid for is explained.
- 7.30 Accordingly, the guidance as contained within the 2019 version of the Guidance is met, and as indicated in the Statutory Tests in the Inspector's note, are met.

The Statutory Test in Respect of the SRO

- 7.31 The purpose of an SRO is to maintain access to all land and property directly affected by the Scheme and includes the necessary changes to the highway

network. The SRO provides the means by which rights are removed and new rights created sufficient to cater for the effects of the Scheme. Objections to an SRO are to be examined in the light of the existence of planning permission for the Scheme.

7.32 In respect of section 14 the Order stopping up the highway cannot be made unless "*the Minister is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up*". Section 125 of the Highways Act provides that the Order can only be made if no access is reasonably required, or another reasonably convenient access is available or will be available.

7.33 Messrs Lovegrove submit that the closure of Lag Lane would not result in a reasonably convenient access arrangement. The Scheme will close Lag Lane to unlimited public use but reopen it as a bridleway. The use of Lag Lane currently enjoyed by the users of the adjacent fields would be maintained. Smaller agricultural vehicles may be able to use the whole of Lag Lane, whereas larger vehicles would only be able to access from the south and directly off roundabout 5. As such for all current users the ability to access the fields will remain the same within the proposals aside from the need to stop and access the gateway, or other restriction, which would be locked. As such the statutory test is met.

7.34 The Scheme is extensive it crosses agricultural land as well as roads and other access points. The Council has taken a considerable amount of time to seek to ensure that all necessary access arrangements are catered for and the involvement of the various objectors in that process, for example Network Rail, gives a level of confidence in the final result.

7.35 The SRO is required to allow the Scheme to proceed, it provides in part the justification for the CPO, and it is an essential requirement if the Scheme is to proceed.

Need for the Scheme and Consideration of Alternatives

7.36 Section 8 of the Melton Local Plan recognises that new highway infrastructure is essential to facilitate growth and alleviate congestion in Melton Mowbray. The NEMMDR is a crucial element of this strategy. 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.

7.37 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 are typically between

50-90% of through traffic, depending on the corridor, with the A606 axis as the corridor with the highest levels of through traffic movements.¹⁷

Table 2 Traffic movements Melton Mowbray 2014

2014_Base	A606_NottinghamRd	ScalfordRd	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
ScalfordRd	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

7.38 The options assessment included examination of 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 linking A606 Burton Road to the A607 Leicester Road to the A606 Nottingham Road and on to Scalford Road;
- A Full Eastern Distributor Road linking 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) linking A606 Nottingham Road to Scalford Road and Melton Spinney Road; and
- A Southern Distributor Road (between A607 Leicester Road and A606 Burton Road) linking the A606 Burton Road and the A607 Leicester Road.

7.39 The report concluded that Option One and Option Two were similar in terms of potential environmental impact, but Option One crosses less of Flood Zones 2 and 3 than Options Two and Three. Option Three is significantly closer to the residential areas in the east of Melton Mowbray and Melton Mowbray Conservation Area and would also cross the most of Flood Zone 2 and 3 and an additional local wildlife site when compared to Option One and Option Two.

7.40 It was concluded that the Preferred Route had:

¹⁷ LCC01 Para 6.25

- 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;
- 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 Melton Local Plan; 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.

7.41 The traffic forecasting shows that the NEMMDR would result in an average decrease in traffic of approximately 18.6% in town centre locations 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 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%
Scalford Road	5,737	5,157	-10.1%
Average	9,605	7,821	-18.6%

River Eye

7.42 Proposed roundabout 5 is required to connect the new NEMMDR with the B676 Saxby Road and therefore the NEMMDR would need to cross the River Eye SSSI. A number of design options were explored to look at ways to minimise the impact of the Scheme on the river, whilst taking into account the major

constraints in this location, including two sets of high voltage (132kV) overhead powerlines. These are set out in the River Eye Options Appraisal Report.¹⁸ The Report found that all feasible options for the NEMMDR route at the River Eye required either diversion of the powerlines or diversion of the River Eye.

- 7.43 The Scheme includes the diversion of a stretch of the River Eye and the creation of a backwater and area of wetland habitat. Natural England published a Strategic Restoration Plan for the River Eye in 2015. The SSSI is designated for being an exceptional example of a semi-natural lowland river. It is currently of poor ecological status (from moderate in 2009) but is at good chemical status. The section of the River Eye to be diverted is in 'unfavourable- no change' condition, meaning special features are not being conserved or are being lost, and there is no current known prospect for this to significantly improve.
- 7.44 The proposed realignment of a section of the River Eye has been designed to provide environmental enhancement and to deliver significant restoration of the River Eye. The river realignment would comprise a longer, more naturalised channel and plan form. The former channel would be retained as wetland habitat, and with the creation of the new channel to the south, would create a wider wetland area than currently exists, supporting biodiversity improvements and natural flood management. The Environment Agency and Natural England are supportive of diverting the River Eye as part of the NEMMDR Scheme due to the significant potential for environmental and ecological benefits.
- 7.45 The designed river channel with an inset floodplain and a connected backwater would have over 1,500 m² more habitat area than the existing channel in the dry summer baseflow season, and nearly 2,000 m² more habitat area in winter baseflow. This is about a 35% increase in wet habitat area at baseflow throughout the year. There would be no increase in flood risk to adjacent land. The mean annual flood, wet habitat area would increase by about 25% compared to the existing.
- 7.46 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.

Air Quality

- 7.47 Operational air quality assessment impacts were modelled at 207 receptors including dwellings, schools and the River Eye SSSI. All receptors were predicted to experience annual average concentrations of PM₁₀ that were below the relevant air quality objective in the proposed Scheme opening year (2021), both with and without the Scheme.
- 7.48 At the base date for the air quality assessment 7 receptors within Melton Mowbray town centre exceeded the annual mean objective for NO₂. In the 2021 opening year this would be reduced to 3 receptors without the Scheme in place. With the Scheme in place, only one receptor was predicted to exceed the annual

¹⁸ CD P3-20

objective for NO₂ in the opening year. However, this concentration is lower with the Scheme in place than without the Scheme. All other receptors were predicted to have NO₂ concentrations below the annual mean objective value. There were predicted benefits to air quality to most other receptors within the town centre.¹⁹

7.49 There is an increase in NO_x concentrations at the River Eye SSSI with the proposed Scheme. However, this ecosystem has a low susceptibility to nitrogen deposition and this increase is therefore not considered to be significant.

7.50 The air quality assessment determined that air quality effects in the construction phase were not significant with the implementation of a CEMP.²⁰

Landscape and Visual Effects

7.51 The Scheme was assessed within a Landscape and Visual Impact Assessment (LVIA) which took account of the key characteristics of the Landscape Character Areas (LCAs) within the locality and assessed the potential impacts during the construction and operational phases of the Scheme.²¹

7.52 The effects on landscape character are due to the sensitivity of the landscape and the introduction of a highway that cuts across the field pattern and modifies the natural landform through the introduction of cuttings and embankments. Some visual amenity effects are a consequence of the loss of key elements of a view such as woodland or hedges and the scale and extent of changes to the view. The LVIA assessed 25 viewpoints to illustrate typical views that would potentially be impacted by the Scheme. The assessment of landscape and visual effects was undertaken with embedded mitigation in place.

7.53 The LVIA concluded that there would be direct moderate adverse effects on LCA 20 – The Melton Fringe during construction. There would be direct slight adverse effects on LCA 16 Farmland Patchwork during construction and year one of operation. These would reduce to neutral/slight adverse at year 15. The LVIA did not identify any other significant indirect effects on other LCAs within the study area.

7.54 The LVIA concluded that there would be significant effects on visual amenity during construction for a small number of residents on the northern edge of Melton Mowbray and Thorpe Arnold and for users of Melton Country Park and several public rights of way in proximity to the Scheme. By year one operational effects on visual amenity would be localised to the edge of Thorpe Arnold and those using footpath F2. By year 15 as the mitigation planting matures, significant effects on visual amenity would be confined to users of footpath F2.

7.55 The vertical alignment of much of the route reduces the visibility of traffic and the highway within the cuttings. Residual year one effects generally reflect the immaturity of the mitigation planting. By year 15 the planting would be more effective in terms of integrating the Scheme into the landscape and reducing visibility.

¹⁹ CD P20

²⁰ CD LCC09 paragraph 4.4

²¹ CD P3-5 Chapter 7

7.56 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. 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.

Greenhouse Gasses

7.57 In the absence of defined thresholds for Greenhouse Gases (GHGs) which if exceeded are deemed significant, in line with Institute of Environment Management and Assessment guidance GHG emissions from the Scheme have been considered in the context of existing carbon budgets.

7.58 The Scheme was assessed against the 5th Carbon Budget, covering the period 2028 to 2032. Emissions from the Scheme during any year in the 4th and 5th carbon budget periods represent less than 0.0001%. On the basis that emissions sources of less than 1% are not considered material in carbon accounting terms, GHG emissions from the Scheme during these carbon budget periods were considered to be of low magnitude in terms of the significance of their impact.

7.59 The 6th Carbon Budget published in 2021 is the first to align with the UK's Net Zero by 2050 target. A further assessment of GHG emissions from the Scheme was undertaken against the 6th Carbon Budget period (2033 to 2037). These GHG emissions equate to 0.0016% of the budget and therefore are still considered of low magnitude in terms of impact significance.

7.60 Road user emissions are anticipated to decrease in line with the emissions reduction forecast presented in the Transport Decarbonisation Plan to achieve net zero emissions by 2050. This will facilitate LCC reducing emissions from transportation, allowing them to meet their wider 100% county-wide reduction in greenhouse gas emissions (net carbon neutral) by 2050.

7.61 Even with significant investment in rail, walking and cycling the majority of long journeys will likely still be by road in 2050. It is concluded however that by implementing a number of appropriate design measures and operational procedures there will be no significant impacts from the climate on the Scheme.

Biodiversity

7.62 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 CEMP to ensure all measures are taken to minimise impacts on species and habitats during construction.

- 7.63 As part of the ES a comprehensive suite of desk and field based ecological studies and surveys were completed between 2017 and 2018. These surveys focused on the important ecological features that could potentially be affected by the Scheme, and included designated sites, terrestrial and aquatic habitats, bats, badger, water vole, otter, great crested newt, reptiles, birds including a barn owl, and aquatic invertebrates.²²
- 7.64 Further surveys were undertaken in order to identify any changes in the ecological baseline since the time of the ES.²³ These recorded an additional main badger sett, and an additional great crested newt population that would be impacted by the Scheme, as well as a change in status of the bat roost within the disused railway bridge. Mitigation in relation to these changes have been included within the Scheme.
- 7.65 The updated surveys recorded a common pipistrelle maternity roost and a small non-breeding Daubenton's bat roost in the disused railway bridge. The bridge is therefore now to be retained and impacts to the bat roosting are unlikely to occur as a result of the Scheme.
- 7.66 Most of the waterbodies where newts were recorded are further than 250m from the Scheme boundary. Ponds 1 and 4 support populations of great crested newts. Pond 4 would be dewatered and destroyed during creation of the embankments for the new road alignment. It is not possible to retain Pond 4 through redesign of the Scheme. Pond 1 would not be lost, but it is near the construction footprint and the alignment of the road.
- 7.67 Great crested newts are protected by European and national law. Three tests need to be satisfied before a licence can be granted by Natural England for the loss of their habitat. Test 1 includes an overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. This test is met by the need for the Scheme as set out in the business case. Test 2 is that that there is no satisfactory alternative to the alignment of the Scheme. The Scheme cannot be redesigned to avoid the impacts to great crested newts. The loss of breeding ponds and terrestrial habitat surrounding them should be compensated for with at least two new ponds, and terrestrial habitat should be of at least equivalent size and quality to that being lost.²⁴
- 7.68 The ecological mitigation area in Plot 129 to the east of the new road alignment is of sufficient size to provide two new ponds and terrestrial habitat to compensate for the loss of Pond 4 and the terrestrial habitat surrounding it.²⁵ The second ecological mitigation area would provide terrestrial habitat compensation for the loss of habitat adjacent to Pond 1.²⁶ The Scheme would take the opportunity to enhance the existing Pond 1 through removal of shading vegetation around the pond and enhancing the aquatic plant species diversity.

²² CD P3-5 Chapter 8. Summarised CD LCC 08 Table 3.1

²³ CD LCC 08 Table 3.2

²⁴ CD LCC Section 5.5

²⁵ *Drawings 60542201-ACM-ELS-S5_ML_ZZ_Z-DR-LV-0014_P03.*

²⁶ *Drawing 60542201-ACM-ELS-S5_ML_ZZ_Z-DR-LV-0015_P03.*

These compensation measures would maintain the favourable conservation status of great crested newts within their natural range.²⁷

7.69 The measures proposed in the ES would have significant positive impacts on grassland, species-poor hedgerow and woodland habitats in the medium-long term. 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.

Flooding

7.70 Parts of the NEMMDR lie within Flood Zones 2 and 3. The NEMMDR is considered essential infrastructure and therefore the exception test in relation to flooding is required. The flood risk from non-fluvial sources including tidal, surface water, groundwater and artificial sources has been assessed to be low. The drainage strategy demonstrates that it is possible to safely and sustainably manage surface water volumes from the Scheme up to the 1% Annual Exceedance Probability (AEP) plus 40% for climate change flows.

7.71 Hydraulic modelling to assess the flood risk from the NEMMDR associated with the River Eye and the Lag Lane tributary showed very localised increases above 0.05 m in flat levels immediately upstream of the proposed River Eye and Lag Lane tributary crossings. No properties are located in the affected area and there are minimal changes to the flood extents and depths.

7.72 Floodplain compensation storage will be provided on a level for level, volume for volume basis. The storage volumes have been calculated for the 1% AEP plus 50% climate change event.

7.73 The impact of the proposed Scheme on the fluvial flood risk from Thorpe Brook, Scalford Brook and the two ordinary watercourses adjacent to Sysonby Lodge Farm is considered to be low since the proposed crossing structures have been sized conservatively to accommodate peak flows in the 1% AEP and 50% climate change event.

7.74 The River Eye flood modelling has been updated to reflect changes to the Scheme design that have occurred subsequent to the planning submission. These include minor changes to the road alignment and embankment crossing the River Eye floodplain, changes to the river diversion and restoration and the addition of flood compensation areas to the east of the proposed crossing. These changes are required because the detail of the design has developed further, especially around the SSSI, in order to identify the detail of land take required.

7.75 In October 2019 flooding was observed in the area of the proposed crossing of the River Eye in excess of that predicted by the flood modelling. According to the data provided by the Environment Agency flooding in this area should be prevented by the Brentingby Dam Flood Storage Area. The hydraulic modelling considered a 1 in 100 year plus 50% climate change event which would be a far more extreme event than the October 2019 event. The Environment Agency agreed that the current model could continue to be used and would provide a

²⁷ CD LCC 08 Section 5.5

robust representation of flood risk to the Scheme and the impact of the Scheme on flood risk elsewhere.

Noise

- 7.76 The Scheme is relatively remote from the main areas of population. Approximately 84 residential properties are located within 100 m of the new carriageway and realigned connecting roads. Therefore, significant adverse construction noise and/or vibration effects are limited to a small number of receptors when works are in close proximity and during night-time tie-in works.
- 7.77 Typical daytime construction noise levels are anticipated to result in slight adverse effects at the vast majority of these receptors. Where roundabout works occur, there is the potential for higher construction noise levels at the nearest receptors than the typical levels reported, although this would be of a short duration.
- 7.78 The noise assessment predicts moderate adverse effects (significant) at Grammar School Farm during the day, which is very close to the proposed Scheme west of Scalford Road roundabout. Specific additional mitigation in the form of site boundary solid hoarding is proposed at this location to reduce the significance of the daytime effect to slight (not significant).
- 7.79 Limited night-time works would be required at each roundabout to tie-in the existing road to the new Scheme. These are anticipated to take 8-9 nights per junction. These works are predicted to result in moderate or large adverse effects at the closest receptors. The solid hoarding proposed to screen Grammar School Farm for typical daytime works is anticipated to reduce the magnitude of the significant effect at this location from large to moderate. At the remaining receptors, temporary site hoarding around specific plant, combined with good communication with local residents, is proposed to minimise the effects.
- 7.80 Mitigation measures and procedures to communicate with the public will be included in the CEMP prepared and implemented by the selected construction contractor. In addition, the planning conditions require the Scheme to be carried out in accordance with the ES, which includes mitigation measures such as appropriate mechanisms to communicate with local residents. The communication strategy would minimise the likelihood of complaints. Residents would be provided with a point of contact for any queries or complaints.
- 7.81 The operation of the NEMMDR Scheme is anticipated to result in significant adverse effects at a number of individual properties along the route, due to changes in traffic noise. However, the absolute traffic noise levels at the façade experiencing the significant adverse effect at all of these residential buildings is low, at or below the Lowest Observed Adverse Effect Level of 55 dB LA10,18h(façade), both with and without the Scheme. Mitigation measures have been incorporated into the Scheme design through the choice of alignment (vertical and horizontal), the use of low noise surfacing and the inclusion of noise barriers in key locations to minimise any adverse effects.

In order to mitigate the impacts on Grammar School Farm and the recently constructed housing to the east of Scalford Road roundabout noise barriers are proposed. The scheme would reduce the number of residential buildings experiencing traffic noise levels above the daytime Significant Observed Adverse

Effect Level (SOAEL) of 68 dB LA10,18h(façade) from 741 to 535 in the opening year. Reductions in traffic noise levels are anticipated in the three Noise Important Areas designated in the centre of Melton Mowbray.²⁸ Reductions in traffic noise levels are anticipated in the three Noise Important Areas designated in the centre of Melton Mowbray.

- 7.82 In the opening year large adverse effects²⁹ are anticipated at three residential properties. Shipmans Barn Stud, Sysonby Cottage, and a property on the edge of Thorpe Arnold would experience a major (≥ 5 dB) increase at the worst affected façade due to the scheme. At these three properties the worst-case increase is exactly or just over 5 dB. The absolute traffic noise levels at these properties are low, generally in the high 40 to mid-50 dB LA10,18h range.
- 7.83 Moderate adverse effects³⁰ are predicted at 167 (2%) of residential buildings in the 600m study area. These significant adverse effects are concentrated at the small number of individual properties along the route, the south-east edge of Thorpe Arnold, the eastern edge of Melton closest to the Scheme, the northern edge of Burton Lazars, and the new housing on the northern edge of Melton, east of Scalford Road. These areas are generally remote from existing roads and therefore current traffic noise levels are low, however, the absolute traffic noise levels at the façade experiencing the adverse effect at all of these residential buildings is low, in the range high 40 to low/mid 50 dB LA10,18h at the south-east edge of Thorpe Arnold, mid to high 40 dB on the eastern edge of Melton and in Burton Lazars, and high 40 to low 50 dB at the new housing on the northern edge of Melton east of Scalford Road.³¹

Housing Delivery

- 7.84 Policy SS2 of the Melton Local Plan states that provision will be made for at least 6,125 homes in Melton Borough between 2011 and 2036. Over half of this housing is expected to be met through housing delivered at the Northern Sustainable Neighbourhood and the Southern Sustainable Neighbourhood. These are expected to deliver 1,500 and 1,700 homes respectively by 2036. The Scheme supports the delivery of the Melton Mowbray Sustainable Neighbourhoods through the provision of the necessary infrastructure. It would also support the delivery of other planned development including up to 290 dwellings and a local centre at Syonsby Farm; 325 dwellings at land west of Scalford Road; up to 1,500 dwellings and a local centre at land south of Kirby Lane and west of Burton Road; and 159 dwellings at land north of John Ferneley College, Scalford Road.³²

Cultural Heritage

- 7.85 The proposed Scheme has the potential to impact upon both recorded archaeological assets and potential archaeological deposits. Subject to the

²⁸ LCC10 Paragraph 5.1.10

²⁹ An increase of 5 >LA10,18h dB

³⁰ An increase of 3-4.9 LA10,18h dB

³¹ ES Chapter 11 page 354

³² Application Refs: 18/00359/OUT, 14/00518/OUT, 16/00515/OUT and 18/00769/OUT

implementation of appropriate mitigation measures and taking into account impact avoidance measures included in the proposed Scheme design, the following effects would likely result during construction of the proposed Scheme:

- A slight adverse effect on the setting of Sysonby Lodge.
- The demolition of Sysonby Farm to accommodate the proposed Scheme would result in a moderate adverse significant effect.
- A slight adverse effect on the scheduled monuments of the hospital, fishponds and moated site at Burton Lazars.

Health and Communities

7.86 During construction the proposed Scheme would not cause a significant effect on health indicators.

7.87 The provision of a new road that is safe with improved footways/cycleways would increase opportunities for active travel and physical activity. The proposed Scheme would relieve traffic congestion within the town, reducing concentrations of nitrogen dioxide and improving air quality within the town with associated health benefits. Improved connectivity between communities, thereby reducing any existing severance would be a further benefit for communities.

7.88 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. 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.

Economic benefits and Traffic Modelling

7.89 The appraisal of the transport impacts is undertaken over a 60-year period and includes an assumed opening year of 2021, a design year of 2041, and an intermediate year of 2036. The assessment forecast that transport benefits over the 60-year appraisal period would be around £117m. This includes forecasts of around £117.5m in travel time benefits, £8m of vehicle operating cost disbenefits, £14.5m increase in indirect tax revenues, and £7m of greenhouse gas disbenefits.³³

7.90 The Scheme is forecast to increase traffic in the corridor and this results in an increase in the forecast number of accidents over the 60-year appraisal period. Using the assumptions contained in CoBA-LT³⁴ regarding the monetary value of accidents, this increase in forecast accidents results in a forecast accident disbenefit of around £7.7m due to the Scheme (£128,333 pa).³⁵

7.91 Construction delays result in a forecast disbenefit of around £88k to road users during the construction phase. Considering the Scheme in isolation, the

³³ LCC03 paragraph 7.25

³⁴ Cost and Benefit to Accidents – Light Touch

³⁵ LCC03 Paragraph 7.3.6

forecast disbenefits of construction are around £900k. However, four of the six new junctions are assumed to be built even if the Scheme is not constructed, the disbenefit of which is estimated to be around £810k. The net disbenefit of the Scheme is therefore around £88k.³⁶

7.92 The cycle infrastructure created as part of the NEMMDR was assessed over a 20-year appraisal period.³⁷, as recommended in the TAG Unit A4-1 Appendix B.4.2. This process resulted in a forecast benefit for physical activity of around £345k. This calculation of wider economic impacts of the Scheme forecast benefits of the Scheme of around £21.5m.³⁸

Statutory Undertakers

7.93 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.

7.94 The AA has engaged with Severn Trent Water with regards to diversions required for the construction of the scheme. It 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).

7.95 LCC is working with Western Power Distribution 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. The holding objection from Western Power Distribution is now withdrawn.

7.96 In respect of Gas, LCC is working with Cadent and GTC regarding the design of diversions to enable the Scheme to be constructed.

7.97 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.

Objections and Representations

7.98 It was stated by some that it was a statutory requirement to seek to agree matters prior to the use of the CPO procedure. Based on the most recent guidance this is a misunderstanding of the position. It is not a statutory requirement as the approach is one based on guidance. The guidance does not prohibit the use of CPO powers in fact it suggests the parallel use of discussions and CPO powers might be wise to show the Council's determination and intent.

7.99 In this case the approach has been to seek to discuss and to reach agreement where possible. That approach follows and meets the Guidance in its

³⁶ LCC03 Paragraph 7.4.4

³⁷ As recommended in the TAG Unit A4-1 Appendix B.4.2.

³⁸ LCC03 Paragraph 7.7.5 & 7.8.3

entirety and no valid objection can be found to exist on the basis alleged. The Council has spoken with all landowners where it has been possible to do so. Those discussions followed a period of extensive consultation in respect of the Scheme prior to permission being granted and has continued since.

- 7.100 Some objections have been withdrawn on the basis that it was recognised that the point being raised was about compensation claims. Twinlakes where access is to be maintained and the further detail being requested does not arise from the effects of the Scheme but may relate to compensation or perhaps even accommodation works. Mr Brown for The Ernest Cook Trust recognised some elements of his objection fell under this head, or were accommodation works. He only raised a specific point about acquisition and the potential for that to be achieved through agreement with up to eight parties. Such an approach does not represent the certainty that is required.
- 7.101 The Council has sought throughout the development of the Scheme, including the period since planning permission was granted, to be transparent and to meet the needs of those affected by the Scheme where it was possible to do so. Arguably the change to the planning permission and the revision to the bridleway at Thorpe Brook to meet a concern raised could have been seen as accommodation works. The Council's solution was to seek to change the planning permission, include the additional crossing point of the brook, so that the users were separated either side of the brook to avoid conflict which may occur albeit on an occasional basis.
- 7.102 The position in relation to Lag Lane raised by Mr Brooker and supported by Mr Curley appeared to be somewhat confusing. The Council was grateful that it was clarified to indicate that the only real point that was being raised related to the possibility of larger delivery vehicles accessing Lag Lane and then using the driveway into the 5 private dwellings to turn. It did not relate to the vehicles seeking to access the paddocks on an occasional basis to cut the grass or to delivery vehicles that were delivering to the close itself.
- 7.103 Mr Simons had explained the position. He explained that not only was the location of the gate or restriction to be placed close to the speed limit signs and therefore visible from the village, but further it was adjacent to the entrance into White Gable. The owners of that property had opposed the potential use of a turning head and had acknowledged that vehicles do and can continue to turn in their driveway and others.
- 7.104 Given that confirmation Mr Brooker indicated that he agreed with everything Mr Simons had described and that his objection fell away if that access way was capable of being used and all he was looking for then was some form of signage or demarcation indicating that was the case. As such that does not indicate a continued objection on the face of it.
- 7.105 The owner of land can allow or permit any use to be made of it and the Council know that the owner of White Gable is aware of the current arrangement. There is no need therefore for the Council to seek to carry out anything further in terms of signing or demarcation at that location and there would be no justification for it. In terms of activity, there would be an occasional user, it will be a user that has not otherwise chosen to turn either at or adjacent to the

house or property that is being visited and otherwise did not know the arrangements. But of course, such user would not be a car user but someone in a large delivery vehicle. Such a user would therefore be very limited indeed and the Scheme as proposed, which was welcomed by Mr Brooker for ending the rat running traffic does not need to be altered to accommodate such a rare and infrequent user of Lag Lane.

7.106 The only additional point made by Messrs Lovegrove related to the possible movement of the turning head to the south. Mr Simons explained why that would be unsafe in highway terms, and why such a proposal was not acceptable. In any event such a change is not required as access for current use is being maintained within the Scheme and any future use for residential purposes is neither approved nor certain given the planning matters described by Ms Leeder.

7.107 Mr Henderson is technically a Statutory Objector but the land which is being taken is that within the highway which arises from the operation of the principle that half the road width is owned by the adjacent neighbour. As such there is no physical effect on Mr Henderson's land within the boundary of his land itself. Traffic on the road in front of his house will decrease along with the environmental effects of it and as for lights swinging across his property from drivers approaching and using the roundabout, they will be some distance away, their headlights will be dipped, and a bund and landscaping will be provided between the light source and his property. Mr Henderson's comments should be recorded as an objection, but in the context of the Scheme itself. The need for the Scheme and the benefits which arise, including those for Mr Henderson, means that no delay should occur to the Scheme itself.

8.0 Case For the Objectors

OBJ 01 Redacted³⁹

8.1 This individual objects to the general Scheme, claiming it will spoil the countryside and people will still drive through Melton Town. The objection has been redacted and there is no further information.

OBJ 03 Mr Brooker⁴⁰

8.2 The proposals no longer include the previously shown turning facility where Lag Lane is due to be terminated. Mr Brooker's concern is that larger vehicles entering Lag Lane from the A607 would not be able to get out again once the closure of Lag Lane takes place.

8.3 Their Our close is a private road owned and maintained by the residents. More recently, some larger vehicles delivering to the village have been using their close for turning. Once Lag Lane is closed this situation will get worse. Vehicles can no longer get down Lag Lane to Saxby Road because the road has

³⁹ CD OBJ1

⁴⁰ CD OBJ3 & CD OBJ3 P1 Mr Brooker was supported at the Inquiry by Mr Curley, a neighbour. Mr Curley did not submit a written Objection or raise any additional matters at the Inquiry.

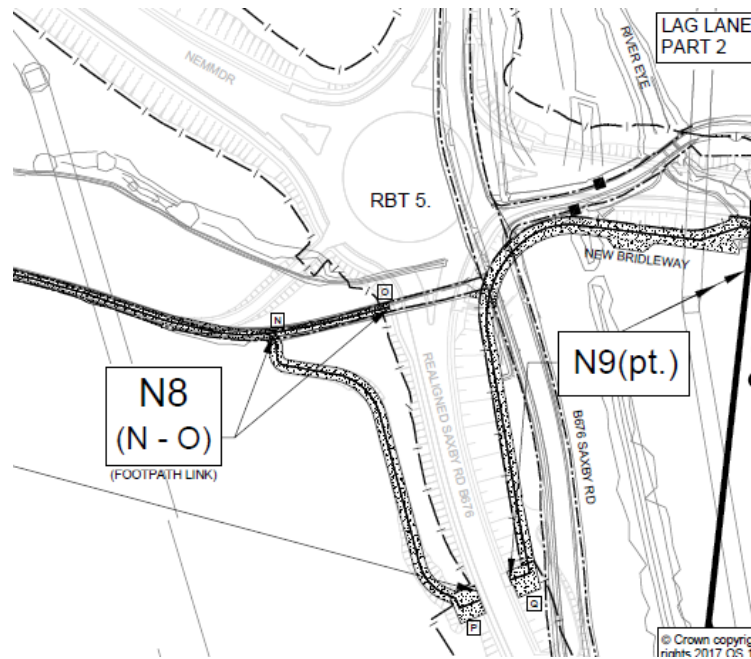
been left to rot with trees and bushes allowed to narrow the road and the condition of the road surface. It is also a two-way road with no passing places.

- 8.4 They consider that large vehicles using their close are dangerous and a risk to children living on the close. They are considering securing their close at the junction with the main part of Lag Lane. The existing signage at the junction of Lag Lane with the A607 limits vehicles to 7.5 tonnes unless they are delivering to the village. However, this sign can only be seen once you are committed to entering Lag Lane. Whilst additional signage, as suggested by the Council may help it will not solve the situation.
- 8.5 The closure of Lag Lane and the lack of any turning facility means that vehicles would be unable to enter to leave Lag Lane without reversing back to and out onto the A607. The situation is made worse by the 90 degree bend in the road around the church making reversing almost impossible.
- 8.6 Perhaps Lag Lane could remain open, but with traffic going only one way down to Saxby Road from the last house in the village. This would overcome any risk of lorries meeting vehicles coming the other way with the need for passing places. Any concerns about a rat run from Saxby Road to the A607 will no longer be relevant once the NEMMDR is open.

OBJ 05 Asfordby Storage and Haulage

Unnecessary acquisition of land

- 8.7 Part of the land comprised within plot 91 of the CPO is proposed to be acquired in order to provide a section of bridleway between points N and P (plan 5 of the SRO). This section would form part of a broader section of bridleway running for about 3.5 km between Lag Lane and Sawgate Road. The currently proposed route between sections N and P would deviate from the north to south course of the bridleway as it approaches roundabout 5 with a new pedestrian crossing installed between points P and Q. Any connectivity benefits associated with the bridleway would still be achieved by pursuing an alternative design that avoided the need to deliver the part of the route between points N and P which continued the north to south alignment of the bridleway.
- 8.8 A pedestrian route is already proposed between points N and O. This could be redesigned to accommodate equestrian users as well and would reduce the extent of the land needed to be acquired and prevent unnecessary interference with their land interests.



Failure to properly consider scheme impacts and development designations

8.9 The estate and plots 91 to 94 have been designated by the SoS as forming part of the Melton Mowbray Manufacturing Zone. The Manufacturing Zone has been awarded public funding from the Midlands Engine and has been identified by MBC as a location intended to deliver distinctive food and drink focused industrial development. No consideration has been given to this designation in selecting the preferred route for the NEMMDR and no assessment has been undertaken as to the extent to which the Orders may prejudice the delivery of the Manufacturing Zone. The extent to which the NEMMDR Scheme and the works proposed by the SRO could deter investment in the Manufacturing Zone has also not been assessed.

8.10 Given the NEMMDR Scheme does not take account of the Manufacturing Zone the case in favour of the Orders fails to properly consider the physical impacts of the NEMMDR on industrial buildings that would be delivered as part of its development. The NEMMDR will inevitably result in increased noise, vibration, and other disturbance impacts on nearby buildings. Notwithstanding this, the case in favour of the NEMMDR and the Orders proceeds in the absence of any assessment of such impacts on the intended development of the Estate and Plots 91 to 94 of the Manufacturing Zone. Due to this it is not possible to conclude that all reasonable alternative routes for the NEMMDR have been considered. It is possible that a different route would result in lesser impacts while still achieving the objectives of the NEMMDR Scheme.

8.11 The Orders proposed to designate new vehicular highway and bridleway across their land. These routes would be located in closer proximity to the Estate than the current highway boundaries. Established vegetation presently provides a robust boundary between the Estate and plots 91 to 94 from the existing public highways. These would be removed as part of the works proposed by the Orders. They submit that the NEMMDR Scheme and SRO works would undermine the existing site boundaries and intensify levels of public movements in the vicinity of the Estate. Asfordby Storage consider that these factors would

increase the opportunity for trespass or unauthorised access upon their land in the absence of appropriate security measures being implemented.

8.12 The AA has failed to make reasonable attempts to acquire land and rights by agreement. The Guidance expressly states that an AA will be expected to demonstrate to the SoS that reasonable attempts have been made to acquire land and rights included in an Order by agreement before any such Order is confirmed. The County Council has not made any attempt to acquire the interests in their land specified in the Orders by agreement. It is therefore premature for the County Council to deprive the company of its property by way of Compulsory Purchase without the exploration of potential alternative solutions. The Council's Statement of Reasons indicates that it has pursued a CPO in the absence of any prior negotiations with affected landowners in order to deliver the distributor road within the shortest possible timescale and meet its programme.

Acquisition of excessive rights and interests

8.13 The Council has included over 30 separate plots within the CPO over which permanent interests were being acquired but in circumstances where it acknowledges it would only need temporary use of such land during the construction phase. The Statement of Reasons Table 1 identifies the land and rights which may be capable of being offered back to the owners. Plot 92 is not mentioned in Table 1. This land is required solely to provide a works compound for the diversion of the River Eye to the South of Saxby Road. The rights it is proposed to acquire over this plot will no longer be relevant once the watercourse diversion works have been completed. Although the statutory powers in the Neighbourhood Planning Act 2017 are yet to be brought into force, this does not prevent the County Council from entering into agreements with affected landowners committing to return ownership of the land or terminate any rights that will only be required during the construction phase once such works have been undertaken. Therefore the CPO proposes to acquire rights beyond those which are necessary to deliver the Scheme.

Procedural issues

8.14 The statutory Notice to qualifying persons fails to correspond with the requirements of the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004. Paragraph 1 of the Notice refers to the incorrect date on which the CPO was made, with paragraph 6 also specifying that objections ought to be made to the County Council, rather than to the SoS. The Notice therefore fails to comply with regulation 3 (d) of the Regulations and section 12 (1) of the Acquisition of Land Act 1981.

8.15 The Council has since issued further correspondence dated the 8 October 2020 indicating that objections to the CPO ought to be sent to the National Transport Casework Team. Such correspondence is primarily related to extending the objection. As a result of the procedural irregularities associated with the SRO. We therefore invite the County Council to consider whether the notice ought to be withdrawn and reissued with the objection period to the CPO being extended accordingly.

OBJ 06 Maurice Bell ⁴¹

8.16 The proposal is flawed. The proposal is supposed to remove traffic from the town centre and will fail to do so. Mr Bell proposes a link across the field separating Crossfield Drive and roundabout 5, using CPO powers if necessary. He states that this would remove HGVs travelling through Thorpe Arnold and would also be easier for those living south of the town to access the hospital and Tesco without accessing the town centre.

OBJ 12 BB&B Leisure Parks Ltd ⁴²

8.17 Leicestershire County Council propose to acquire land situated at the entrance to their property. They consider that this would impact severely on their existing access arrangements and could potentially negatively impact their business during the construction process. They propose these arrangements be reconsidered so as to co-exist with and preserve their property.

OBJ 13 Trevor Henderson ⁴³

8.18 Mr Henderson's initial objection raised a number of issues in relation to compensation which are not matters for this Report.

8.19 Mr Henderson would like to see minor amendments to minimise the impact on his family, in particular the relocation of roundabout 6 being to a position further away from his property.

8.20 Mr Henderson believes that Plot 140 is a critical piece of land which is pivotal to the location and position of roundabout 6 of the Scheme. He states that the compulsory purchase of Plot 140 would affect a possible building site located next to this boundary on his land between his garages and the road.

8.21 Mr Henderson believes that light pollution and noise from the traffic entering roundabout 6 will increase. He submits that the traffic will turn towards the side of his house and shine directly into his bedroom which faces towards the back garden. He states that LCC state the noise level will be higher there. The proposed bund will not impact upon this view. He is very concerned that the increased light pollution and noise will impact on his sleep. He states that the impact of a structure of this size just a few meters away from his house has affected his mental health.

8.22 Mr Henderson also enquired whether, should the Scheme go ahead, it would be possible for LCC to incorporate an access via a new dropped kerb entrance to the area he proposes to develop. He was also concerned that the proposed earthworks may disturb the filtering of his soakaway and requests that LCC consider connecting his property to the mains sewage to eliminate any future potential problems as a result of the earthworks.

⁴¹ CD OBJ6

⁴² CD OBJ12

⁴³ CD OBJ13 & CD OBJ13 P1

OBJ 14 Mrs Barbara June Barnes and R A Barnes & Sons (Plot(s) 107, 108, 109, 110, 111, 112, 113, 114 and 115)⁴⁴

Diversion of the River Eye (Main River) Site of Special Scientific Interest

8.23 In justifying the diversion of the River Eye, the Council discounted four other options identified in the Flood Risk Assessment Report. Therefore, it seems that the option of undergrounding the powerlines thereby removing the need to divert the River Eye has not been considered. Introducing a bend in what is currently a straight section of the river could lead to flooding immediately next to the road and detrimentally impact the SSSI.

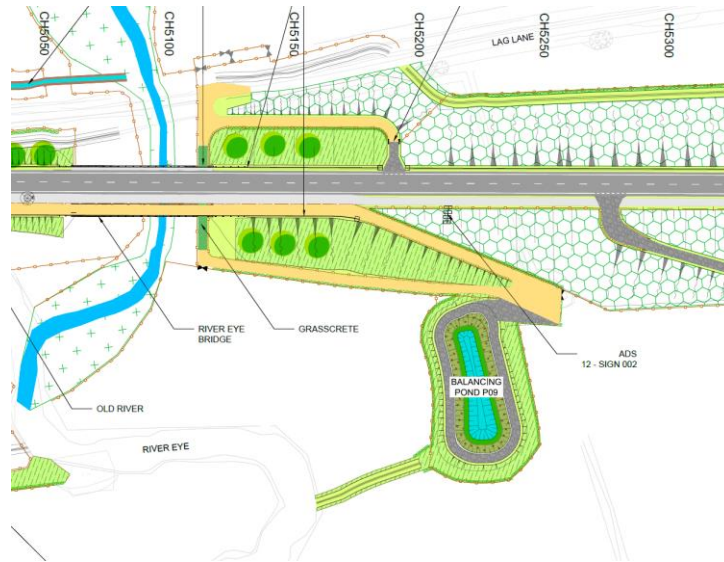
8.24 Paragraph 7.32 of the Statement of Reasons states that the realignment of the River Eye was chosen "*by agreement with landowners, Natural England and the Environment Agency*". They have not agreed to the diversion of the river through their land and in meetings with the Council they have voiced concerns about flooding.

8.25 They also note the references at 7.32 and 7.33 to "flood compensation areas" in the vicinity of the diverted channel. Paragraph 11.3 also refers to the creation of "species-rich semi-improved floodplain grassland" and that the "proposals would create a wider wetland area than currently exists". This conflicts with what they have been advised by the Council. They were advised that (although the land does not currently flood) the diversion of the River Eye would result in the land in that location being better drained than it is currently.

Attenuation Pond Location and Design

8.26 Balancing pond P09 is highlighted as falling within Flood Zone 3 and creating the pond in this location may compromise its effectiveness during a flood event. The siting of the pond would also make farming the remaining section of land to the north of it extremely difficult. The road already proposes to take the only section of land that is not ridge and furrow and which is therefore the location they use for sheep handling, hence this worsens the impact on their farming operations. The attenuation pond should be situated within a larger, flatter, field outside of the flood risk zone so as to remove these issues.

⁴⁴ CD OBJ14



Approvals Required for Development

8.27 A significant number of approvals are required before development can commence, some of which are dependent on consents being obtained that may not be forthcoming in the timeframe required or at all. In addition, a permit under the Environmental Permitting (England and Wales) Regulations 2016 may be necessary for any activities which will take place within the vicinity of the River Eye. There is no guarantee that these approvals and permits can be obtained in the timeframe required.

Financial and Economic Viability

8.28 In July 2018 the Director of Corporate Resources was authorised to sign a Memorandum between the County Council and MBC, setting out the financial arrangements for funding the local contribution to the Scheme. It is not clear from the Statement of Reasons if the Memorandum of Understanding setting out the financial arrangements has been agreed.

8.29 They also raise concern about the Council's ability to recuperate £13.6million by way of developer contributions. There are strict requirements for charging such contributions. For example, Section 106 can only be used where the legal tests set in the CIL Regulations 2010 (as amended) are met.

8.30 Finally, it is not immediately apparent if the cost of settling claims under Part 1 of the Land Compensation Act 1973 has been factored into the overall costs of the Scheme. They We estimate that there are approximately 200 residential dwellings within the vicinity of the proposed route which are likely to be injuriously affected, leading to significant compensation liability.

The Use of Compulsory Purchase

8.31 The Department of Transport Local Authority Circular 2/97 states "*The Secretary of State for Transport will require to be satisfied in every case that the land included in the CPO can reasonably be regarded as required for the purposes of the acquisition*". It further states that "*the only land to which the CPO should relate will be the land falling within the highway*".

- 8.32 The Council must also demonstrate a compelling need in the public interest for the use of compulsory acquisition, as directed by the Guidance. It is more difficult to show compellability if the underlying Scheme lacks financial or economic viability.
- 8.33 They note that there is a significant amount of land proposed to be included in the CPO which will not fall within the highway as newly constructed and is not required permanently. Table 1 of the Statement of Reasons appears to identify 34 such areas of land that are proposed to be compulsorily purchased, but which the Council states may be offered back to owners.
- 8.34 The Council does not clarify why freehold title is essential in respect of these areas, that are only needed for construction. They state that there would not seem to be any reason why these plots could not be occupied under licence or lease or acquired on a temporary basis, like the blue areas. However, they also contend that the blue areas are not required to be included in the CPO.
- 8.35 The four plots to be acquired permanently (plots 112, 107, 115 and part of plot 108) which sit outside the boundary of the embankment to the proposed road. These plots of land should only be acquired permanently at their request, for example if they are unwanted due to being severed from the retained land.
- 8.36 There are a further five plots proposed to be acquired temporarily (plots 109, 110, 111, 113 and 114). These will also not fall within the highway and there is no reason a licence could not be put in place instead, as was agreed recently for a storage compound for Ground Investigation work.
- 8.37 They further contend that granting the Orders would be premature in circumstances where there have been no reasonable attempts to acquire the land by agreement and there are only 50 known ownerships. They presume this can only be for convenience, which does not meet the conditions of being "required" or showing compellability in the public interest.

Deliverability in the Timescale Envisaged

- 8.38 The construction start date is said to be programmed for August 2021. They question whether this is realistically achievable in light of the foregoing points, as regards to the approvals required beforehand, relocation of the balancing pond and potential issues in respect of unforeseen compensation costs and securing the necessary funding agreements.

Biosecurity During Construction

- 8.39 During the survey stage, they received correspondence assuring them that biosecurity measures would be in place. However, the contractors were not aware of this and drove through fields containing different farmer's livestock without disinfecting their tyres. The Council has not detailed any biosecurity measures that will be in place during construction.

Access During Construction and After

- 8.40 Provision will need to be made for suitable pedestrian and vehicular access to their retained land during and after construction. Such access is needed 24 hours per day, 7 days per week, to monitor and maintain the welfare of the livestock in

the field. The access must also be capable of accommodating the vehicles used to transport the livestock.

The Convention of Human Rights

8.41 The Convention of Human Rights requires proportionality. The appropriate test of proportionality requires a balancing exercise and a decision justified on the basis of a compelling case in the public interest and as being reasonably necessary but not obligatorily the least intrusive of Convention rights (*R (Clays Lane Housing) v Housing Corporation* [2005]).

8.42 They consider that authorising the CPO prematurely, before the approvals necessary to implement the Orders have been obtained and where changes to the design are needed and where there are questions over viability, deliverability and the use of compulsory purchase, is not in the public interest and does not justify interfering with their human rights.

OBJ 15 Bryan Lovegrove, Susan Hatton and David Lovegrove ⁴⁵

8.43 The CPO proposes the compulsory acquisition of land interests in respect of plot 87 which comprises 378 m² of highway and highway verge at Lag Lane to the South of Thorpe Arnold.

8.44 The SRO proposes that the section of Lag Lane identified in the SRO be stopped up as a public highway. This section runs in a southerly direction from a point 30 metres south 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 PMA between points K and M and the creation of a new bridle path between points K and P.

8.45 The stopping up of Lag Lane as a public highway 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. There is insufficient 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. Therefore there are no compelling reasons for the compulsory acquisition of the owners' interest in Plot 87.

Impacts of the Orders on the Property

8.46 The proposal to stop up Lag Lane would be prejudicial to the existing access to the property which is in regular use and is well connected to the village. 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 the bridle path from point K to access the property. This is wholly unsatisfactory and does not constitute a reasonably convenient or alternative means for the owners to gain regular daily access to the property. Therefore the Scheme will be severely prejudicial to the existing access to the owners' property.

⁴⁵ CD OBJ15 & CD OBJ15 P1

8.47 The owners have aspirations to bring forward the property for housing development. In addition to the longer-term development potential of that part of the property which lies outside of 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 have an unacceptable impact on the realistic future use of the property.

Modification to the Scheme

8.48 The Orders should be amended so that the stopping up of Lag Lane is relocated to a point just beyond the property on Lag Lane so that it would remain a public highway from point K to a point just south of the access to the owners' property. 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.

8.49 The owners have also confirmed to the County Council 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 Council consider a turning head to be beneficial or necessary. This would have a number of benefits including enabling the existing access to the owners' property to be maintained, 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 bridle path along the majority of its length. There is nowhere in the village envelope of Thorpe Arnold for the visiting library van, refuse lorries or emergency access vehicles to turn without using private access ways and driveways.

8.50 The Council have indicated that moving the stopping up of Lag Lane to the location suggested would lead to fly tipping. The owners do not consider that there is any materially greater risk of fly tipping occurring in the modified proposal. It would be adjacent to the access to the owners' property which is in regular use and would therefore continue to be subject to natural surveillance.

OBJ 16 Elaine Holmes, Fiona Long and Penelope Williams (Plots 40 -44)⁴⁶

8.51 They understand that plots 40-43 and part of Plot 44 are required by the AA on a temporary basis only during construction of the Scheme. These plots are currently used for farming activities. They also form part of the proposed MNSN. The MNSN is allocated in MBC's adopted Local Plan policy SS5 which is a key development intended to bring forward up to 1,700 dwellings.

8.52 They state that they are 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.

⁴⁶ CD OBJ16

8.53 They raise no objection to the compulsory purchase over those parts of Plot 44 that are required by the AA on a permanent basis. However, we are unable to remove their objection to the Orders until the issues above have been resolved.

OBJ 17 Peter Vincent Hill, Martin John Hill, Pamela Joan Pickup and Mary Elizabeth Hyde Spreckleys Farm (Plots 124,125,129,130,131,132 and 133) ⁴⁷

8.54 The property has since been sold, but the Objection has not been withdrawn.

8.55 There has been developer interest in the property and the CPO has prejudiced that position. In particular, the roundabout does not facilitate an access to parts of their property. Prior to this, there was no such constraint as a junction could have been provided on the Burton Lazars Road. The CPO gives rise to a situation where there is a significant effect on the retained parts of the property. This would materially prejudice the value of the property which in a no Scheme world would be free of such encumbrances

8.56 The property would be severed with much reduced accessibility to parts of the property. The proposed roundabout substantially affects the remaining parts of the property which will be prejudiced by the proposed NEMMDR.

8.57 They object to the inclusion of plots 124, 130 and 132 on the basis that the freehold acquisition of those areas should not be necessary and understand that it is proposed that these areas are used temporarily. They have made representations to the Acquiring Authority about an alternative mechanism of dealing with these areas.

8.58 The Order proposes that an area is acquired for a footpath that would completely dissect the property this will create severance issues in relation to the future use of the property.

8.59 The inclusion of plot 131 is not needed for the NEMMDR in the longer term. It is shown on the maps as being acquired for temporary rights. They object to the inclusion of plot 133 for the same reason.

*OBJ 19 Home Farm Peter Vincent Hill, Martin John Hill, Pamela Joan Pickup and Mary Elizabeth Hyde (Plots 69,77 and 78)*⁴⁸

8.60 The CPO will substantially split the field nearest to the A607 due to the acquisition of plot 69. It will create a small parcel of land to the south and west and a similarly reduced area to the east of plot 69. This field is currently under an arable rotation and the shape and size of the areas created will make it difficult for normal farm operations to be continued in the future.

⁴⁷ CD OBJ17 The new owner Wilson Enterprises (OBJ22) withdrew their objection during the course of the Inquiry.

⁴⁸ CD OBJ19

- 8.61 The access to the field is required and until such time as the accommodation works have been provided it could be that there will be no access to the retained parcels of land including for the farm tenant.
- 8.62 Plot 69 acquires the culvert which is the watercourse and links the land to the north and south. They are in discussions with the Council over the means of access and what alternative provision can be made to facilitate an access to the field to the south of the watercourse which is in a part affected by the acquisition of plots 77 and 78.

Side Roads Order

- 8.63 The stopping up of the existing highway results in a situation where a new access needs to be provided from the old A607 both to the east and west of plot 69. During the period of construction they need to have good and unrestricted access to the remaining parts of their property.

OBJ 20 The Ernest Cook Trust (Plots 126 and 127) ⁴⁹

- 8.64 There is no requirement to acquire the freehold interest in Plot 127, as additional rights for the necessary works can be secured by agreement rather than via use of a CPO. The Order should, therefore, be modified so that only rights are acquired.
- 8.65 In the event that it is absolutely necessary to secure the freehold and for the authority to use CPO powers to enable the status of public rights over Plot 127 to be altered, then the freehold should be offered back to the current freeholders upon completion of the Scheme. Accordingly, Plot 127 should be included in Table 1 of the Statement of Reasons.
- 8.66 The proposed Order is also an infringement of their human rights under the Human Rights Act 1998. The SoS must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupier of the Order lands.
- 8.67 They believe that there is '*no compelling case in the public interest*' to acquire their land, as is required in order to make use of Compulsory Purchase Powers.

*OBJ 21 AT&T Istel (Plot 27)*⁵⁰

- 8.68 The CPO seeks to acquire a small part of the northern corner of their property. AT&T has future aspirations to develop the entire site area for housing. Pre-application plans have been submitted to MBC and show an illustrative scheme for 42 dwellings and an alternative scheme for 26 dwellings with an extra care facility. They are concerned that the NEMMDR is appropriately designed and constructed to avoid any unnecessary adverse consequences in relation to the proposed housing development. They therefore seek assurances that the

⁴⁹ CD OBJ20

⁵⁰ CD OBJ21

construction plans and methods will include appropriate mitigation measures such as visual screening and attenuation measures to limit possible disturbance from traffic noise on nearby sensitive receptors.

9.0 The Response of the Acquiring Authority to Objectors⁵¹

- 9.1 A number of objections are based on a misunderstanding of the Guidance which does not prohibit the use of CPO powers. The AA's approach has been to seek to discuss and to reach agreement where possible. The Council has spoken with all landowners that it has been possible to do, those discussions followed a period of extensive consultation in respect of the Scheme prior to permission being granted and has continued since.
- 9.2 The need for the Scheme and its compliance with policy generally appears to have been accepted. Matters of compensation will arise but not at this time. Some objections have been withdrawn on the basis that it was recognised that the point being raised was about compensation claims. Many of the objections that have not been formally withdrawn would appear to raise matters that might fall under that heading.
- 9.3 This would include B&BB Leisure Parks Ltd (OBJ 12) where access is to be maintained and the further detail being requested does not arise from the effects of the Scheme but may relate to compensation of perhaps even accommodation works.
- 9.4 Mr Brown for The Ernest Cook Trust (OBJ 20) recognised some element of his objection fell under this head or also accommodation works and only raised a specific point about acquisition and the potential for that to be achieved through agreement with up to eight parties. Such an approach does not represent the certainty that is required.
- 9.5 The Council has sought, throughout the development of the Scheme including the period since planning permission was granted, to be transparent and to meet the needs of those affected by the Scheme where it was possible to do so. Arguably the change to the planning permission and the revision to the bridleway at Thorpe Brook to meet a concern raised could have been seen as accommodation works. That solution was to seek to change the planning permission, include the additional crossing point of the brook so that the users were separated either side of the brook to avoid conflict which may occur albeit on an occasional basis.

OBJ 01 Redacted ⁵²

- 9.6 LCC has not been able to engage with this objector as all relevant details were redacted. The route 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. The EIA sets out the potential

⁵¹ This section is based on the AA's Closing submissions and the evidence submitted by the AA's witnesses

⁵² CD LCC R01 & CD LCC 01 paragraph 15.5

effects of the scheme on the environment and the mitigation measures required to minimise the impacts on the environment.

9.7 The Transport Assessment forecasts that the new road scheme design would accommodate the traffic flows which are likely to reassign onto the new road and will remove significant traffic volumes from Melton Mowbray town centre.

9.8 The need for the Scheme, the effectiveness of it, 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. The Scheme is fully compliant with the NNPF and the Melton Mowbray Local Plan.

Mr Brooker OBJ 03 ⁵³

9.9 The Scheme would prevent vehicles using Lag Lane between the A607 Thorpe Road and the B676 Saxby Road as a rat run, and would help to improve walking, riding and cycling in the area. The option of a turning head was considered. A number of residents stated that there was no need for a formal turning head, citing the majority of households on Lag Lane had adequate parking or turning which visitors were able to use. There was also concern that a turning head could become a hotspot for fly tipping, trespass, and other undesirable activities. Additionally, the turning area could become a location for parking, potentially obstructing legitimate users of the bridleway and PMA.

9.10 In January 2021, LCC undertook a vehicle behaviour study at two separate driveway locations on Lag Lane to assess turning or access movements. The survey identified that turning is an existing issue, but one that is not substantial. Furthermore, there is no policy or recognised guidance that is directly applicable to the scenario at Lag Lane that would support the need for a turning head. The mitigation package will comprise of temporary signage, permanent signage, proactive engagement with GPS mapping services, and accommodation works.

9.11 Mr Brooker is not a Statutory Objector as no land is being taken but a concerned local resident. His concern relates to the possibility of larger delivery vehicles accessing Lag Lane and then using the driveway into the 5 private dwellings to turn. Mr Simons explained that not only was the location of the gate or restriction to be placed close to the speed limit signs and therefore visible from the village but further it was adjacent to the entrance into White Gable. The owners of that property had opposed the potential use of a turning head and had acknowledged that vehicles do and can continue to turn in their and other driveways.

9.12 Mr Brooker indicated that his objection fell away if that access way was capable of being used, but he would like some form of signage or demarcation indicating that was the case. The request made as to signing or demarcation is entirely unnecessary. The owner of land can allow or permit any use to be made of it and we know that the owner of White Gable is aware of the current arrangement. There is no need therefore for the Council to seek to carry out anything further in terms of signing or demarcation. In terms of activity, there

⁵³ CD LCC R03 & 3A, & Core Strategy LCC 01 Paragraph 15.7

would be an occasional user, it will be a user that has not otherwise chosen to turn either at or adjacent to the house or property that is being visited and otherwise did not know the arrangements. But any such user would not be a car user but someone in a large delivery vehicle that might otherwise use their access. Such a user would therefore be very limited indeed.

Hatton, Lovegrove & Lovegrove (OBJ 15) ⁵⁴

9.13 Existing access arrangements will be maintained or replaced with alternative reasonably convenient means of access. This meets the Council's obligations in respect of dealing with current access arrangements affected by a new road proposal. This will maintain the necessary access and the Council is not required to go beyond this, or to provide an improved means of access, for the objectors' future purposes. Certain persons, including the objectors, will require private vehicular access rights over Lag Lane. These rights are set out in the SRO.

9.14 Planning permission has been granted for the Scheme in its current form, having considered all relevant and material considerations. Its promotion is therefore in the public interest. The approach towards Lag Lane was fully considered during that process and the Scheme as a whole seeks to provide improvements to the road network. The bridleway will encourage active and sustainable lifestyles and safeguard this right of way for bridleway users.

9.15 The Council, 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. The Council has no authority under Section 14 of the Highways Act 1980 to 'downgrade' rights associated with a highway. To achieve the new status, the Council must first stop up Lag Lane, which removes the existing highway rights, before creating new highway rights. In order to create the new bridleway as set out in the SRO, Plot 87 would therefore need to be secured by acquisition for the new highway purpose. Dedication of highway rights by the objectors would not provide a mechanism for securing PMA for vehicles.

9.16 An additional point related to the possibility of moving the turning head to the south. Mr Simons demonstrated why that would be unsafe in highway terms. In any event such a change is not required as access for current use is being maintained within the Scheme and any future use for residential purposes is neither approved, nor certain, given the planning matters described by Ms Leeder.

Asfordby Storage OBJ 05 ⁵⁵

9.17 The Council has been engaged in negotiation with Asfordby Storage & Haulage. The principal 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.

⁵⁴ CD LCCR15 & CD LCC01 Paragraph 15.19

⁵⁵ CD LCCR05 & CD LCC 01 Paragraph 15.9

- 9.18 The land required for the new bridleway is necessary due to design constraints, principally its proximity to the roundabout. The bridleway has been located to ensure that it provides a safe facility as part of the design of the overall Scheme. The Pegasus crossing has been located to provide a safe crossing point and avoid conflict between equestrian users and motorised vehicles. Alternatives such as an underpass or bridge are not feasible or reasonable due to flooding and cost.
- 9.19 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. The Manufacturing Zones for Melton Mowbray are at the early concept stage. 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.
- 9.20 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.
- 9.21 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.
- 9.22 The matters raised as procedural issues have been addressed and do not prevent the Orders from being considered at the Public Inquiry.
- 9.23 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.

Mr Bell OBJ 06 ⁵⁶

- 9.24 As part of the planning submission, a comprehensive Transport Assessment (TA) was developed in accordance with national guidance and has been independently checked. The TA takes into consideration additional growth in an area arising from any planning commitments and the growth arising from the planned growth for Melton Mowbray, including the additional housing to the south of the town. The TA 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. It is forecast that Thorpe Road will experience a 28% decrease in overall traffic following delivery.

⁵⁶ CD LCCR06 & CD LCC 01 Paragraph 15.10

*BB&B Leisure Parks Ltd OBJ 12*⁵⁷

9.25 Discussions are continuing and 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.

Mr Henderson OBJ 13 ⁵⁸

9.26 Mr Henderson is technically a Statutory Objector but the land which is being taken is that within the highway which arises from the operation of the principle that half the road width is owned by the adjacent neighbour. As such there is no physical effect on Mr Henderson's land within the boundary of his land itself.

9.27 Moving roundabout 6 a short distance will have no material effect on noise and air quality impacts. Traffic on the road in front of his house along with the environmental effects arising from it will decrease 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. 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. Lights of vehicles approaching and using the roundabout would be some distance away, their headlights will be dipped, and a bund and landscaping will be provided between the light source and his property.

9.28 Compensation is not relevant for the purposes of the public inquiry.

Mrs Barbara June Barnes and R. A. Barnes & Sons OBJ 14 ⁵⁹

9.29 The proposed diversion and enhancement work as set out in the planning application and the Statement of Reasons have been discussed with the Environment Agency and Natural England throughout the Scheme's development. In arriving at this proposal, the AA considered various options including diverting the power cables. Moving two sets of powerlines would incur significant cost to the Scheme and would not deliver the ecological benefit offered by the Scheme's extant planning consent. The proposal to realign the River Eye also reduces the safety risk in relation to moving powerlines and allows the opportunity for ecological mitigation and enhancement.

9.30 There are no flood compensation areas located within the objectors' land. Flood plans show the flood impacts of the scheme on the land. The majority of land would be unaffected by flooding to within a -5mm to +5mm difference whilst some areas are beneficially affected.

⁵⁷ CD LCCR12 & CD LCC 01 Paragraph 15.16

⁵⁸ CD LCCR13 & CD LCC01 Paragraph 15.17

⁵⁹ CD LCCR14 & CD LCC 01 Paragraph 15.18

- 9.31 The balancing pond has been located at the optimum location and is designed to ensure that flood water will not affect its operation. 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.
- 9.32 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. The Scheme went through a viability assessment process as part of the development of the Outline Business Case. The outcome of this appraisal of Scheme benefits was a Benefit Cost Ratio (BCR) of 3.12, where a BCR greater than 1 indicates that the benefit outweighs the cost and is therefore justified.
- 9.33 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.
- 9.34 Access throughout the construction phase will be maintained. Accommodation works are not a matter for the Public Inquiry to consider as they will be subject to private arrangements with the landowner or occupier as appropriate at a subsequent stage.
- 9.35 The consideration of Human Rights is explained in both the Statement of Reasons and the AA's closing submissions. 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.

Holmes Long & Williams OBJ 16 ⁶⁰

- 9.36 The areas themselves and the purpose to which they are to be used is set out in Table 1 in Chapter 4 of the Statement of Reasons, 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. The Scheme would enable access to continue to all the remaining land once the Scheme is complete, including areas which may be suitable to be offered back to the owners.
- 9.37 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 of the Statement of Reasons. LCC has prepared and shared a Heads of Terms to enable an alternative mechanism for the acquisition and occupation of the land.

⁶⁰ CD LCCR16 & CD LCC 01 Paragraph 15.20

Hill, Hill, Pickup & Hyde (Spreckley's Farm) OBJ 17 (now sold to Wilson Enterprises Ltd.) ⁶¹

9.38 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 worked with the new owner, and although and that objection raised similar concerns, it was withdrawn.

Hill, Hill, Pickup and Hyde (Home Farm) OBJ 19 ⁶²

9.39 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. Accommodation works, along with compensation are not matters for the Public Inquiry to consider.

9.40 LCC is stopping up highway land at the location where the objectors currently have an access from the A607 near to the village of Thorpe Arnold (Plot 69). The access is not physically affected, and a new PMA had not been included in the published SRO. The modifications include a new PMA from the A607 to land to the east of plot 69 is identified on SRO Plan 4 (12A).⁶³ The modifications to the SRO allow certainty of future access for the landowner.

9.41 Access throughout the duration of the construction phase will be maintained and following completion permanent access will be provided to the land. With regard to crossing the watercourse, a solution has been proposed to enable access between land to the north and south of the watercourse.

Ernest Cook Trust OBJ 20 ⁶⁴

9.42 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.

9.43 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 use of Lag Lane as a bridleway.

9.44 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. Dedication of highway rights by the objector will not be sufficient because certain persons will also require private vehicular access rights over Lag Lane and Sawgate Road and

⁶¹ CD LCCR17 & CD LCC 01 Paragraph 15.21

⁶² CD LCCR19 & CD LCC 01 Paragraph 15.23

⁶³ CD MOD9A

⁶⁴ CD LCCR20 & CD LCC01 Paragraph 15.24

dedication of highway rights does not provide a mechanism for securing private means of access for vehicles.

9.45 Acquisition of the freehold title in Plot 127 is necessary to ensure the Council has access to all the land it needs to permit the scheme to be built. Subsequently, the Council needs 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.

9.46 The CPO Guidance does not require that an AA wait until negotiations fail before starting the compulsory purchase process. In fact, it provides that it may be sensible for an AA to initiate the CPO process in parallel with stakeholder discussions. The Council has engaged with the objector and remains committed to securing the necessary interests in the land by agreement.

AT&T Istel OBJ 21 ⁶⁵

9.47 AT&T Istel has future aspirations to develop housing on Plot 27. 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.

9.48 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.

9.49 Through the design process, all appropriate mitigation measures have been adopted for the Scheme. The Scheme is compliant with the NPPF 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.

10.0 INSPECTOR'S CONCLUSIONS

Statutory Provisions and Guidance

10.1 The SRO tests require the SoS to be satisfied that the stopping up of any highway or PMA is justified on the basis that continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or can be provided.

10.2 The CPO seeks to acquire rights and ownership of land shown on the Order Map, as detailed in the Order Schedule, for the purpose of securing the carrying out of development of the NEMMDR, within which the Order lands are situated. It is made under the Highways Act 1980.⁶⁶

⁶⁵ CD LCCR21 & CD LCC01 Paragraph 15.25

⁶⁶ CD OL5 & OL6

10.3 The Government's most recent and updated Guidance on confirming CPOs (the Guidance') states that AAs should use compulsory purchase powers where it is expedient to do so, and an Order should be made only where there is a compelling case in the public interest. The AA should demonstrate that they have taken all reasonable steps to acquire land and rights included in the Order by agreement. Compulsory purchase should only be a last resort to secure the assembly of land.⁶⁷

10.4 The CPO Guidance further states that any decision whether to confirm an Order will be made on its own merits, but the following factors may be considered:

- Whether the AA has a clear idea of how it intends to use the land which it is proposing to acquire;
- The extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- Whether the purpose could be achieved by other means, such as through alternative proposals;
- Whether all the necessary resources are likely to be available to achieve that end within a reasonable timescale;
- Whether there are any physical or legal impediments to the implementation of the Scheme; and
- Whether there is a compelling case in the public interest.

10.5 In addition, DfT Circular 2/97 explains that the SoS would always wish to be sure that the scheme for which he was authorising the compulsory acquisition of land would go forward as proposed in the Order. Consequently, it is his practice not to confirm a CPO until he is satisfied that the planning permission aspect of the scheme, to which the Order relates, has been granted.⁶⁸

10.6 I shall examine these matters in turn, in addition to any other relevant matters.

SRO

10.7 The SRO as published identified four PMA to be stopped up and the alternative means of access are set out in the Schedule to the published SRO. They comprise The Cottage- A606 Nottingham Road (X1), Sysonby Farm- A606 Nottingham Road (X2), Grammar School Farm Track (X3), Twinlakes Leisure Park, and Melton Spinney Road (X4). Alternative PMA are to be provided to these properties as detailed within the SRO under references 1-8.

10.8 The submitted modifications included further PMAs to be stopped up and, as appropriate alternative PMAs provided. [3.5-3.15] There were objections to the SRO from OBJ 12, and OBJ 15 in terms of the impact on the PMAs. There were

⁶⁷ CD PPG12 Paragraph 2

⁶⁸ DfT Circular 2/97 paragraph 2

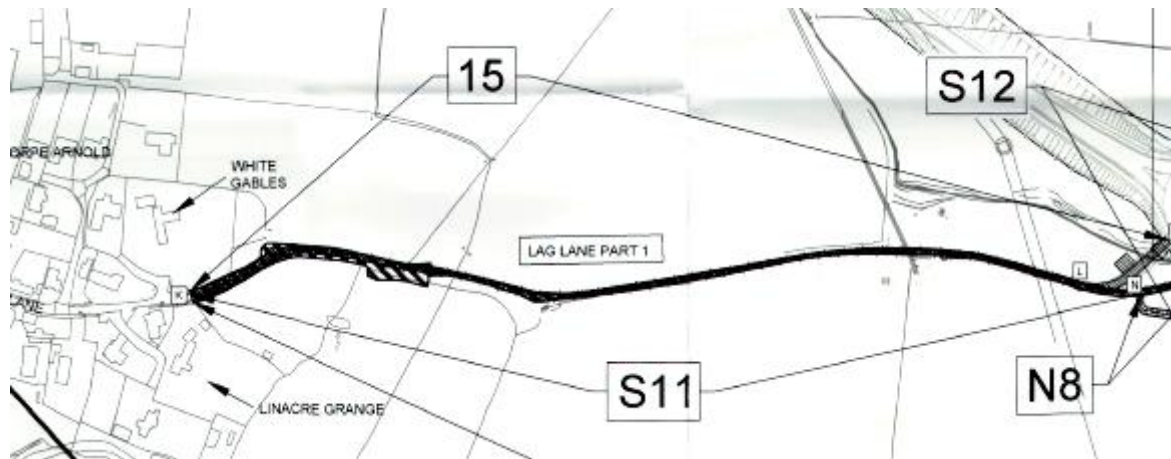
also objections from OBJ 3 and OBJ 19 in relation to the stopping up of Lag Lane and the A607 Waltham Road respectively.

- 10.9 OBJ12 BB&B Leisure Parks (the operator of Twinlakes Park) objects due to the impact on access.⁶⁹ At the present time the access to the site comprises a junction with Melton Spinney Road. It is proposed that this area of land would be acquired and a new PMA from roundabout 3 would be provided. This would provide a new reasonably convenient access to Twinlakes Park.
- 10.10 Arrangements for access to the site during construction are still the subject of discussions.
- 10.11 OBJ 15 Lovegrove, Hatton & Lovegrove object to the stopping up of Lag Lane. The proposal is to stop up Lag Lane from point "K" shown on SRO Plan 5 and for its entire length to the south (up to its intersection with Sawgate Road as shown on SRO Plan 7) and create a new bridleway along its length.
- 10.12 OBJ 15 owns a residential property known as Cedarwood and adjoining land, including a plot that has a frontage onto Lag Lane. They consider the proposal to stop up Lag Lane (S11 in the SRO)⁷⁰ would be prejudicial to the existing access to their property and that the proposal would fail to provide a reasonably convenient alternative means of access. They are also concerned stopping up Lag Lane would adversely impact on their aspirations to bring forward the adjoining land for housing. They propose that the stopping up of Lag Lane should be relocated to a point beyond the access to their property.
- 10.13 Access to Cedarwood, the existing dwelling, is via a private driveway situated to the north of point K where it is proposed to stop up Lag Lane. Therefore there would be no impact on the PMA to Cedarwood.
- 10.14 The adjoining land is an open field to the south and east of Cedarwood, and the east of Lag Lane. The only physical change to access to land and property to the south of point K where it is proposed to stop up Lag Lane would be the addition of a locked bollard or gate. The SRO includes provision for this part of Lag Lane to be used as a PMA to the adjoining land. The objectors would have the right to use the bollard or gate and the road surface will remain as a sealed surface suitable for the objectors' current use of the field. There would also be a PMA to the field from roundabout 5 Saxby Road between points K and M.⁷¹ This part of Lag Lane is to become a bridleway with a private means of access. Therefore, the change would not significantly affect or prejudice the current use of the adjoining land and is necessary to ensure that no unauthorised use is made of the former highway. Accesses to fields are commonly through gates and it is considered that the access provided would be 'reasonably convenient' and acceptable.

⁶⁹ SRO Ref X4 & N5

⁷⁰ SRO Plans 5 & 5A

⁷¹ SRO Plan 5A Ref 15



- 10.15 I note the objectors' aspirations to bring the adjoining land forward for development, however no planning application has been submitted for the development of this land. Any proposals in the future would need to be considered in the light of the prevailing development plan policies and would need to provide safe and suitable access. There is no requirement under the SRO to make provision for access to use that neither exists, nor benefits from planning permission.
- 10.16 OBJ 3 Mr Brooker is concerned that stopping up Lag Lane would encourage drivers to turn in the private driveways of Lag Lane, with the consequent inconvenience to residents and the risk to children.
- 10.17 The main consequence of stopping up Lag Lane as proposed is that vehicles would no longer be able to exit Lag Lane to the south and would need to exit on to Thorpe Road to the north and use the NEMMDR. Lag Lane is a narrow lane without passing places, and as acknowledged by Mr Brooker, is in poor condition. Following implementation of the Scheme, vehicles would exit the village via the northern part of Lag Lane onto the A607 and the NEMMDR. I consider that this would provide a reasonably convenient alternative route for anyone wishing to travel south.
- 10.18 It is doubtful that the stopping up of Lag Lane would have any material impact on the number of vehicles turning in private driveways. The Council undertook two studies to assess existing driver behaviour and acknowledge that the problem does arise albeit infrequently. Consideration was given to the provision of a turning head, but there were concerns that it could lead to fly tipping and obstruction of the driveway to White Gable. The owner of White Gable (the dwelling closest to point K) is content for their driveway to continue to be used by vehicles wishing to turn. Moreover, I noted that most properties within the village have space either within their curtilage, or the access to their property to turn.
- 10.19 I conclude that there will occasionally be larger vehicles that will need to turn within the village, but these would be able to use the access to White Gable for that purpose. Access arrangements for any future development within the village would need to be taken into account when deciding whether to grant planning permission. Overall I conclude that the stopping up of Lag Lane at Point K is acceptable and there is suitable provision for the maintenance of any PMAs along the stopped up part of Lag Lane and that there is a convenient alternative route available for other users.

10.20 OBJ 19 (Hill, Hill, Pickup & Hyde) It is proposed to stop up highway land to land west of Plot 69 at the location where the objector currently has an access from the A607 near to the village of Thorpe Arnold.⁷² 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. The new private means of access from the A607 to land to the east of plot 69 is identified on SRO Plan 4.⁷³ Therefore the SRO will ensure that once the highway is stopped up a new reasonably convenient access to this land is available.

10.21 I am satisfied that a reasonably convenient alternative route or access would be provided, as described in the Schedules and Site Plans of the SRO, or as in the case of Lag Lane an alternative route is not required. Therefore the statutory tests in relation to the SRO are met.

CPO

Whether the AA has a clear idea of how it intends to use the land which it is proposing to acquire

10.22 The Scheme is described in Section 1 above and Chapter 2 of the ES. Its purpose is to improve the quality of life and the environment of Melton Mowbray town centre by addressing congestion, air quality and noise issues, whilst supporting economic development and the delivery of housing to meet the needs of the local population. It will provide new transport infrastructure to access proposed new residential sites whilst ensuring that the new development does not worsen traffic conditions in the town.

10.23 It aims to reduce congestion and air pollution in the town, improve access to the town centre, reduce HGV movements in the town, improve walking and cycling facilities, deliver environmental measures and enhancements and improve highway safety for all road users in Melton Mowbray. The Scheme would support the objectives of the Melton Local Plan, by providing the necessary transport infrastructure to support future housing delivery.

10.24 The Scheme benefits from conditional planning permission granted in June 2019.⁷⁴ The land subject to the CPO relates exactly to the detail of the areas contained within the planning permission. The evidence presented to the Inquiry confirms that the Scheme has been developed and refined over a number of years and was considered at the time of the Local Plan Examination. The Local Plan Inspector concluded that the NEMMDR would bring significant benefits to the Borough.

10.25 The Leicestershire Local Transport Plan 3 Second Implementation Plan (2015/2016) (LTP3) includes actions to take forward work to identify and cost a preferred Scheme to address transport problems in Melton Mowbray.⁷⁵

⁷² SRO Plan 4

⁷³ SRO Plan 4 Modification 12A

⁷⁴ CD SD18

⁷⁵ CD PPG1 paragraph 1.24

10.26 I conclude that the AA has a clear idea as to how it intends to use the land it proposes to acquire.

Need for the Scheme and whether the purpose could be achieved by other means, such as through alternative proposals

10.27 Congestion in the centre of Melton Mowbray has been a long-standing issue recognised by both LCC and MBC. 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. This congestion issue is likely to be exacerbated further as a result of additional housing and other growth in or close to the town, including the proposed Melton North and Melton South Sustainable Neighbourhoods.[7.36,7.37]

10.28 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. It is particularly effective at dealing with the issue of through traffic, a key objective of the Scheme. [7.38,7.39]

10.29 The process of options identification and route selection is summarised in Chapter 3 of the ES and the Council's Statement of Case.⁷⁶ Transport modelling work determined that an outer bypass option provided the greatest level of benefit compared with an inner bypass and that a full north and eastern route was the best option. [7.41]

10.30 I conclude that there is a need for the Scheme in order to address the existing problems within Melton Mowbray Town centre and to facilitate the future growth of the area. I am satisfied that at each stage of the process there was detailed analysis of alternatives and that robust decisions were taken regarding alternatives. I conclude that the Scheme is fully justified as the optimal solution for achieving the objectives.

The extent to which the proposed purpose will contribute to the economic, social or environmental well-being of the area

10.31 The Scheme was assessed in the ES and the Addendum ES which was prepared to provide additional information to support the submitted planning application for the NEMMDR and to take account of preliminary design changes to the Scheme. I assess the various economic, social and environmental aspects of the Scheme below.

River Eye

10.32 In order to connect proposed roundabout 5 of the NEMMDR with the B676 Saxby Road the NEMMDR would need to cross the River Eye SSSI. A number of design options were explored, and these are set out in the River Eye Options Appraisal Report.⁷⁷ The Report concluded that either the River Eye needed to be diverted or the powerlines relocated.[7.42]

⁷⁶ CD P3-5 & CD OL4

⁷⁷ CD P3-20

- 10.33 The River Eye SSSI is in unfavourable condition at the present time, and without intervention is likely to remain so. The proposed realignment would provide a longer, more naturalised channel. It would also make provision for the creation of a floodplain and wetland habitats. The scheme has been developed in consultation with the Environment Agency and Natural England.[7.43, 7.44]
- 10.34 The proposed realignment would not increase the risk of flooding elsewhere. It would also provide an opportunity to re-meander the river closer to its natural form and process, which would be consistent with SSSI restoration objectives. The proposals would create a wider wetland area than currently exists, supporting the achievement of net gains in biodiversity. It would also provide 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 Natural England's River Eye Strategic Restoration Plan.[7.45,7.46]
- 10.35 The conditions attached to the planning permission require the submission of a mitigation, compensation and enhancement plan together with a management and monitoring plan. On the basis of the submitted information I conclude that, subject to appropriate management and compliance with the relevant planning conditions, the proposal would significantly enhance the ecological value of the SSSI and contribute to the River Eye SSSI returning to a favourable condition. It would also comply with the objectives of the Water Framework Directive.

Air Quality

- 10.36 The air quality assessment predicts that all receptors would experience annual average concentrations of PM₁₀ that were below the relevant air quality objective in the proposed Scheme opening year (2021), both with and without the Scheme. In the absence of the Scheme in the 2021 opening year 3 receptors would exceed the annual mean objective for NO₂, whilst with the Scheme in place, this would be reduced to one receptor. [7.47, 7.48]
- 10.37 The outcomes of the air quality assessment indicate that the Scheme would comply with national and regional policy in relation to air quality. There would be some limited improvements to air quality as a consequence of the Scheme, particularly within the Town Centre. I conclude that the air quality effects due to the Scheme are acceptable. [7.48]

Landscape and Visual Effects

- 10.38 Melton Mowbray is a small market town set within the Eye Valley within rural Leicestershire. The surrounding landscape is primarily in arable use with some pastoral farming towards the lower part of the valley. Away from the main town of Melton Mowbray settlements are concentrated in small villages such as Burton Lazars or Thorpe Arnold. The Scheme does not lie within any area designated in terms of specific national statutory landscape designation such as National Park, Area of Outstanding Natural Beauty (AONB) or any local designation such as an Area of Great Landscape Value (AGLV).
- 10.39 The Scheme would pass through a predominantly agricultural landscape and would cut across the field pattern. Once complete the additional infrastructure, including the new roundabouts, bridges, embankments and cuttings would modify the existing topography and would alter the character of the surrounding

landscape. There would be some adverse effects on visual amenity due to the loss of key elements of a view such as woodland or hedges, the elevated nature of some parts of the Scheme, as well as the scale and extent of changes to views. [7.52]

10.40 The alignment of the road has sought to maximise the distance between the more sensitive receptors such as the Country Park and Thorpe Arnold. Mitigation measures include natural landscaping features that screen the development and seek to replicate landscape elements such as hedgelines and woodland blocks in a way which is sympathetic to the landscape context and integrates the proposed scheme within the surrounding landscape. It also aims to deliver net gains in the number of trees and hedgerows where possible. [7.55, 7.56]

10.41 The ES concludes that by year 1 operational effects on visual amenity would be localised to the edge of Thorpe Arnold and those using footpath F2. By year 15 as the mitigation planting matures, significant effects on visual amenity would be confined to users of footpath F2. The ES concludes that by year 15 the planting would reduce the visibility of the Scheme within the landscape and thereby reduce its visibility. Taking all mitigation measures into account, at operational year 15 the ES concludes that the worst effects would have been reduced to slight adverse. Based on the evidence submitted to the Inquiry and my observations at the time of my site visits I have no reason to reach a different conclusion on this matter. [7.54]

10.42 The construction and operation of the NEMMDR Scheme will result in some significant effects on landscape character and visual amenity, as identified in the LVIA. Although there would be more widespread construction effects, those effects would be temporary. Overall, the LVIA provides a thorough assessment of the landscape and visual effects of the Scheme. These landscape effects were assessed at the time the planning application was determined and found to be acceptable.

Greenhouse Gasses

10.43 The impacts of the NEMMDR were re-assessed in the light of the most recent Carbon Budget. These GHG emissions equate to 0.0016% of the budget and therefore are still considered of low magnitude in terms of impact significance. Moreover, emissions are anticipated to decrease in line with the emissions reduction forecast presented in the Transport Decarbonisation Plan to achieve net zero emissions by 2050. The Scheme would have a negligible effect on GHG emissions. [7.59,7.60]

Biodiversity

10.44 There are no internationally designated sites, such as Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) located within 2 km of the proposed Scheme. There are seven Local Wildlife Sites (LWS) within 1 km of the proposed Scheme, including Melton Country Park and Scalford Brook. These have been assessed in the ES.

10.45 There has been a comprehensive range of ecological surveys. These, together with the mitigation measures have been updated. The changes to the

base line include the identification of an additional badger sett, an additional great crested newt population and common pipistrelle maternity roost and a small non-breeding Daubentons bat roost in the railway bridge. The Scheme has been amended in order to mitigate these additional effects and accommodate protected species. The mitigation includes the retention of the disused railway bridge to avoid impacts on the bat roosts, changes to the construction process so that impacts to the badger sett are minimised and it can be retained in situ, rather than closing the sett and providing an alternative artificial sett. Two additional ponds are proposed as compensation for the loss of a pond used by great crested newts and the adverse impacts on their habitat. Where necessary, great crested newts would be trapped and relocated out of the construction footprint under a protected species licence from Natural England. [7.63 – 7.66]

10.46 The conditions attached to the planning permission require the submission of a biodiversity management plan and a plan for the protection of otters. The measures proposed in the ES would have significant positive impacts on some habitats such as grassland, species-poor hedgerow and woodland habitats. Balanced against this there would be potential for adverse impacts on badgers and Great Crested Newts. The proposed mitigation and compensation is proportionate to the predicted scale of the impacts of the Scheme. and its design including where mitigation is located has followed good practice and professional experience. Any activities likely to harm protected species, including through disturbance or harm to their habitats would require a licence from Natural England. [7.69]

10.47 Subject to the implementation of the proposed mitigation and compensation measures, once the proposed planting and new habitats have become established, provided they are maintained and managed in accordance with the planning conditions, there would be no significant residual adverse effects with regard to biodiversity. In addition, the changes in the vicinity of the River Eye SSSI have the potential to significantly improve biodiversity. [7.44,7.45]

10.48 The proposal would also deliver a biodiversity net gain in accordance with the policies within the Framework.[7.69]

Flooding

10.49 The impact of the proposed Scheme on the fluvial flood risk from Thorpe Brook, Scalford Brook and the two ordinary watercourses adjacent to Sysonby Lodge Farm is considered to be low since the proposed crossing structures have been sized conservatively to accommodate peak flows in the 1% AEP and 50% climate change event. [7.73]

10.50 The Flood Risk Assessment submitted with the planning application was reviewed by the Lead Local Flood Authority and the Environment Agency and was found to be acceptable. It has been updated to reflect changes to the Scheme since planning permission was granted. [7.74]

10.51 The hydraulic modelling considered a far more extreme event than the October 2019 event. The Environment Agency is satisfied that the current model provides a robust representation of flood risk to the Scheme and the impact of the Scheme of flood risk elsewhere. I have no reason to reach a different conclusion. Therefore based on the findings of the Flood Risk Assessment the

Scheme would not significantly increase the flood risk to any property in the vicinity of the River Eye and Lag Lane watercourse crossings. [7.75]

10.52 I conclude that the proposal would be safe from flooding and subject to the proposed mitigation measures would not significantly increase the risk of flooding to neighbouring land uses or increase surface water run-off elsewhere.

Noise

10.53 The Scheme is relatively remote from the main areas of population with no residential properties in the vicinity of some roundabouts. Therefore, construction noise and/or vibration effects are limited to a relatively small number of receptors, with about 84 residential properties located within 100 m of the new carriageway and realigned connecting roads. [7.76]

10.54 During construction noise levels are anticipated to result in slight adverse effects at the vast majority of these receptors. Noise levels would be likely to be higher where roundabout works occur but would be of a short duration. Night-time works would be required at each roundabout to tie-in the existing road to the new Scheme. These are anticipated to take 8-9 nights per junction. These effects would be mitigated by temporary hoardings and communication with residents as set out in the CEMP.[7.77 – 7.80]

10.55 Mitigation measures have been incorporated into the scheme design through the choice of alignment (vertical and horizontal), the use of low noise surfacing and the inclusion of noise barriers in key locations. Noise barriers are proposed in order to mitigate the impacts on Grammar School Farm and the recently constructed housing to the east of Scalford Road. [7.81]

10.56 Due to the increase in noise levels significant adverse effects are anticipated during operation at a small number of individual properties along the route, the south-east edge of Thorpe Arnold, the eastern edge of Melton closest to the scheme, the northern edge of Burton Lazars, and the new housing on the northern edge of Melton east of Scalford Road. Notwithstanding this, the absolute noise levels at these locations would remain at or below the Lowest Observed Adverse Effect Level of 55 dB LA10,18h(façade) and would therefore comply with the Noise Policy Statement for England. At the three properties where there would be a large adverse effect during the opening year the absolute traffic noise levels would remain low, generally in the high 40 to mid-50 dB LA10,18h range.[7.81,7.83]

10.57 Beneficial effects in the 600m study area are concentrated along the main roads through Melton including the A606 and A607 from which traffic re-routes onto the scheme, where traffic noise levels are high. The proposal is predicted to reduce noise levels within the three Noise Important Areas designated in the centre of Melton Mowbray. The number of residential buildings experiencing traffic noise levels above the daytime SOAEL⁷⁸ of 68 dB LA10,18h(façade) would reduce from 741 to 535 in the opening year. These would be beneficial effects of the Scheme. [7.81]

⁷⁸ This is the level above which significant adverse effects on health and quality of life occur.

10.58 Notwithstanding, the embedded mitigation there would be significant adverse effects from noise at some locations due to the Scheme, however noise levels would generally be below the SOAEL and are therefore considered to be acceptable. Beneficial effects are generally concentrated in locations close to the main roads through Melton Mowbray from which traffic re-routes onto the scheme. Overall, the Scheme would not give rise to unacceptable effects due to noise.

Housing Delivery

10.59 The Scheme would support the delivery of housing through the Melton Mowbray Sustainable Neighbourhoods by the provision of the necessary infrastructure. It would also support the delivery of other planned housing within the Borough and would thereby assist with meeting the housing needs of Melton, including the delivery of affordable housing in accordance with Local Plan policies. It would also support the Government's objective of significantly boosting the supply of homes in accordance with the NPPF and thereby contribute to the social wellbeing of the area. [7.84]

Cultural Heritage

10.60 The proposed Scheme has the potential to impact upon both recorded archaeological assets and potential archaeological deposits during construction. The cultural heritage assessment indicates that with an appropriate Scheme design, adoption of a bespoke archaeological mitigation strategy, the implementation of mitigation measures included within the CEMP and a programme of archaeological fieldwork, the Scheme would mitigate impacts and effects upon archaeological sites and historic buildings and settings and therefore no significant effects are anticipated. I have no reason to reach a different conclusion on this matter.[7.85]

10.61 No significant effects upon cultural heritage assets are anticipated during the operation of the proposed Scheme.

Health and Communities

10.62 There are no adverse effects on health anticipated during construction. During operation the Scheme has the potential to improve the quality of life for residents and make Melton Mowbray a more attractive place to live, work and visit. It would reduce traffic congestion, and its consequential environmental effects in terms of noise, air quality and the general improvement in the environment in the centre of Melton Mowbray. [7.87]

10.63 The improved pedestrian and cycle links would support active travel and the Lag Lane route in particular, would provide an attractive traffic free route for the surrounding community.

Economic Benefits and Traffic Modelling

10.64 Through the provision of the infrastructure required for growth the Scheme aims to address potential barriers to investment in accordance with paragraph 82 of the NPPF. The delivery of the Scheme will create employment in the short term, and there would also be longer term economic benefits to Melton Mowbray, including through the delivery of housing and the sustainable neighbourhoods.

10.65 The Scheme would deliver £117m of transport benefits. Due to the forecast increase in traffic there would be an accident disbenefit of £7.7m and a construction disbenefit of about £88k. The benefits of the increase in physical activity are forecast to be about £345k and there would be wider economic benefits of around £21.5m. Therefore overall, the Scheme would deliver significant economic benefits and represent high value for money. [7.89-7.92]

Whether all the necessary resources are likely to be available to achieve that end within a reasonable time-scale

10.66 LCC undertook a full costing exercise with Galliford Try to ensure costs were realistic. LCC also commissioned an independent review of the Scheme estimate to ensure its robustness. 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.

10.67 The Scheme will be funded from a combination of national government and local contributions. 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.

10.68 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 LLEP funding and contingency, currently totals approximately £31.8m.

10.69 LCC propose to 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. The recently adopted Developer Contributions Supplementary Planning Document⁷⁹ confirms that the Strategic Road Infrastructure, including the NEMMDR is of the highest priority and is regarded as essential to facilitate development.

10.70 On the basis of the information submitted to the Inquiry I conclude that the necessary resources are likely to be available to achieve the NEMMDR within a reasonable time-scale.

Whether there are any physical or legal impediments to implementation of the Scheme

10.71 The NEMMDR was assessed against the development plan and planning permission was granted on 4 June 2019 by LCC as the Local Planning Authority for the road. In granting planning permission, the Local Planning Authority was informed by careful input from statutory consultees, none of whom objected to the Scheme. Indeed, Natural England and the Environment Agency were supportive of it due to the beneficial effect on the River Eye SSSI.

⁷⁹ LCC/ID4

10.72 There are a series of conditions attached to the planning permission and these remain to be discharged, although that process is now commencing. There has been no suggestion whatsoever that there will be any insurmountable difficulty in discharging any of the conditions attached to the planning permission. As such, there is no planning impediment to the delivery of the Scheme and I am unaware of any legal or other impediments to the Scheme. I therefore conclude that there are no physical or legal impediments to implementation of the Scheme.

Reasonable Steps to acquire the land by other means

10.73 The Council's approach to land assembly is set out in Section 4 of the Statement of Reasons.⁸⁰ The exercise of CPO powers was deemed necessary due to the complexity of land assembly and the need to deliver the Scheme expeditiously. The Scheme includes a total of 145 plots of land. Of these 34 may be capable of being offered back to the owner once construction work is complete.

10.74 There have been extensive landowner negotiations which commenced in 2017 and have continued up to and during the Inquiry. 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.

10.75 A key principle of communication during the development of the Scheme has been meeting 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. These negotiations have in some instances given rise to modifications to the Scheme, and some of these have led to the withdrawal of objections. Examples of this include, but are not limited to, OBJ 7 Network Rail, OBJ 8 Mr & Mrs Skelton, OBJ 11 Framlands Farm, and OBJ 22 Wilson Enterprises. In the case of OBJ 5 Asfordby Storage and Haulage, Plot 92 has been removed from the CPO.[3.21,9.20]

10.76 A number of objectors assert that the land could be acquired by other means such as a licence agreement.⁸¹ The Council has been in discussion with these objectors and has sought to acquire the necessary land and interests by agreement. It would seem that in some instances, where the land is required temporarily that discussions to occupy the land under licence are continuing. In other instances, such as Plot 127, it is suggested that the AA could acquire the additional rights and carry out the necessary works by agreement. For the reasons given by the AA I agree that it is necessary to acquire this land. I am therefore satisfied that the AA has taken reasonable steps to acquire the land by other means. [9.15, 9.44, 9.45 & 9.46]

⁸⁰ CD OL1

⁸¹ OBJ 05, OBJ 14, OBJ 16 & OBJ 20

10.77 The Order lands are needed to deliver the NEMMDR which is a complex Scheme spanning some 7km over multiple land parcels. The Scheme itself is necessary to facilitate the future growth of Melton Mowbray and to ameliorate the traffic effects of such growth, as well as improving the connectivity of the network. Having regard to the nature of the land parcels along the linear route which would require assembly and the timeframe for delivery of the Scheme, I am satisfied that the use of compulsory acquisition powers have been appropriately exercised and that the Council has made extensive efforts to negotiate with all affected parties. On this basis I conclude that the CPO is a last resort to secure the assembly of all the land needed for the implementation of the project. The objectives could not be achieved by any other means.

Statutory Undertakers

10.78 Equipment and structures owned, operated and controlled by the various Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme.

10.79 LCC is working with various Statutory Undertakers regarding the design of diversions for a range of utilities. I am satisfied that provision is being made for Statutory Undertakers' apparatus within the proposal, and that liaison between the Applicant and the companies affected is on-going.

Public Sector Equality Duty

10.80 With regards to the Public Sector Equality Duty, there has been no conduct by the AA that has been brought to my attention that is prohibited under the Act. I have also had regard to my duties under the Public Sector Equality Act throughout the conduct of the CPO proceedings. I conclude that the duty has been fully complied with.

Objections from those directly affected by the CPO and/or the SRO

10.81 Under this heading, I deal with the remaining statutory objectors, along with those non-statutory objectors who have made specific objections against the SRO. At the close of the Inquiry there remained

10.82 OBJ/05 Asfordby Storage The AA stated that it was still in discussions with Asfordby Storage and seeking to acquire the necessary land by agreement. These negotiations are continuing and have led to the removal of plot 92 from the CPO.

10.83 Asfordby Storage question whether the realigned bridleway needs to cross their land and suggested that the land take could be reduced if it aligned with the pedestrian route. The land concerned is Plot 91.⁸²

10.84 The bridleway would run from point N to point P at the Saxby Road, At the Inquiry, Mr Glossop, the Scheme Engineer explained that the crossing could not be located closer to the roundabout due to the need for drivers to have enough visibility. In addition, positioning a signalised crossing in such close proximity to the roundabout would result in stationary traffic that would block the roundabout.

⁸² CD OL8 SRO Plan 4 and General Arrangement Plans 9 & 10, 11

There were also concerns that horses would be spooked by the traffic at the roundabout. The land concerned is located on the periphery of Asfordby Storage land and represents a small corner of their land and is all required for permanent works to allow the realignment of Saxby Road. No evidence was submitted to suggest that it would impact on operations. I consider that there are sound highway safety reasons for the proposed alignment of the bridleway and the acquisition of this land is necessary for the Scheme.

- 10.85 The Manufacturing Zone would be enabled by the Scheme which would provide essential strategic access. LCC is not seeking to take any more land than is necessary for the proper provision, operation and landscaping of the Scheme. The Scheme includes provision for landscaping and therefore would not impact on the security of the trading estate.
- 10.86 OBJ/12 BB&B Leisure Parks The land to be acquired is necessary for the roundabout, the provision of a new access to Twinlakes Park and the realignment of the bridleway to Melton Spinney Road. The Scheme would maintain the existing one-way system at Twinlakes Park.
- 10.87 There will inevitably be some adverse impact during the construction. The proposed works are necessary to deliver growth within Melton Mowbray and will be phased to avoid peak times. The majority of the works will take place offline and therefore would not impact on Melton Spinney Road. Discussions are continuing with BB&B Leisure in order to resolve the timing of the issues. In the longer term the proposed works will be beneficial to Twinlake Lake Park providing a safer and more efficient access and avoiding the queuing on Melton Spinney Road that currently occurs during peak periods.
- 10.88 OBJ/13 Mr Henderson The issues in relation to compensation, and the implications of the proposal for the future development of Mr Henderson's garden are outside the scope of this Inquiry.
- 10.89 Mr Henderson's property is located towards the southern end of the route close to roundabout 6. Two arms of the roundabout would serve the Southern Sustainable Neighbourhood development which is allocated in the Local Plan. The location of the roundabout was informed by the Options Assessment Report 2016 and 2017 and provides an interface with the A606 to allow traffic to bypass Melton Mowbray town centre.⁸³ The roundabout is located in a position that allows it to connect to the A606 Burton Road and the local road network.
- 10.90 The ES sets out the methodology for the noise assessment, including the criterion for the assessment of the significance of effect. I am satisfied that the methodology is robust and takes account of the relevant guidance. Based on the noise predictions within the ES the difference in noise levels at Mr Henderson's property with and without the Scheme would be between 0.0 and 2.9 LA10,18h dB and would therefore not be significant.
- 10.91 The Scheme does not propose any change to the access to Mr Henderson's property and therefore a need for a new dropped kerb to serve the property is not required. There are no proposals to carryout work within Mr Henderson's

⁸³ CD SAD1 and SAD2

property and therefore the Scheme is unlikely to result in damage to his soakaway. In these circumstances a connection to the mains sewerage system is not justified.

10.92 The Scheme includes an earth bund with planting close to the roundabout that would minimise any light pollution from vehicles using the roundabout.

10.93 OBJ/14 Mrs Barbara June Barnes and R. A. Barnes & Sons It is necessary to either relocate the power lines or realign the River Eye. The justification for the realignment of the River Eye rather than relocate the power lines is set out in the River Eye Appraisal Report. The realignment of the river would deliver significant benefits to the SSSI and would also minimise the health and safety risk associated with the removal or relocation of the power lines. I am therefore satisfied that the diversion of the River Eye is both necessary and beneficial for the Scheme.

10.94 At the Inquiry Mr Simons, on behalf of the AA, explained that changing the location or the orientation of the balancing pond would inevitably increase land take due to the need to provide an embankment around the pond. It is also located outside of the floodplain. Having regard to the available information I have no reason to reach a different view on this matter.

10.95 As set out above, there is no reason to suppose that there is any impediment to the discharge of the relevant planning conditions, or any legal or other impediment to the implementation of the Scheme. Substantial evidence has been submitted to show that the necessary funding is in place and that the Scheme is economically viable. I therefore conclude that the Scheme would be deliverable. [10.110 & 10.111]

10.96 The justification for the use of CPO powers for the Scheme is set out above. The Council is still in discussion with the landowner regarding a potential licence but these matters have not yet been resolved. Whilst Plot 107 is capable of being handed back to the objector, it would have no access and would be permanently isolated. Plot 108 lies predominantly within the highway and there is a need for a fence and hedge to enclose the highway. Plots 112 and 115 are required to provide access to the railway bridge they are needed for construction purposes. They are included in Table 1 of the Statement of Reasons as land that may be offered back once it is no longer needed for construction. I therefore conclude that the land to be acquired is necessary for the construction and delivery of the NEMMDR.

10.97 The AA confirmed at the Inquiry that it was aware of the potential to impact on the biosecurity of agricultural land and this will be securely managed through the CEMP, as would access during construction.

10.98 The issue of Human Rights is addressed below. [10.153]

10.99 OBJ15 Lovegrove, Hatton & Lovegrove The issues raised in this objection relate to the SRO and the stopping up of Lag Lane, and the impact on the future development potential of the objectors' land. These matters are addressed above.[10.11-10.15]

10.100 OBJ/16 Elaine Holmes, Fiona Long and Penelope Williams The plots concerned are either required for the outfall from the drainage system or for construction purposes. Plots 40,42 and 43 are identified in Table 1 of the

Statement of Reasons as land that would be capable of being handed back. Negotiations with the landowners are on-going to permit the Council to occupy Plots 40, 41 and 43 under licence and an easement over Plot 42. In terms of the CPO, I am satisfied that the land is necessary for the construction of the Scheme and its inclusion within the CPO would provide the certainty needed for the delivery of the Scheme.

10.101 The land currently benefits from a single access off of Melton Spinney Road and would be severed by the NEMMDR. A new PMA is proposed by the SRO (PMA 7) and access north of the NEMMDR would be unaffected.⁸⁴

10.102 OBJ/17 Peter Vincent Hill, Martin John Hill, Pamela Joan Pickup and Mary Elizabeth Hyde (Speckley Farm) Although this objection has not been withdrawn, the objectors no longer have an interest in the land. The objection was adopted by the new Owner (Wilson Enterprises OBJ/22) and this has subsequently been withdrawn.

10.103 OBJ/19 Home Farm Peter Vincent Hill, Martin John Hill, Pamela Joan Pickup and Mary Elizabeth Hyde (Plots 69,77 and 78) The objection relates to the severance of a field that would create a small area of land to the south and west and a reduced area to the east. The mitigation includes a new PMA to the east of the realigned A607. The SRO includes two PMAs (10 and 12) and the modifications include a further PMA (12A).⁸⁵ The severed land is currently in arable use, although following severance would still be capable of agricultural use but would be more suited to grazing.

10.104 OBJ/20 Ernest Cook Trust Plots 126 and 127 As set out above, Plot 127 is highway land forming part of Lag Lane and Sawgate Road. The Ernest Cook Trust is the sub-soil owner of this Plot. The SRO would stop up Lag Lane and create bridleway rights together with vehicular access rights limited to specific persons. It is not possible to downgrade the rights of an existing highway and therefore the acquisition of Plot 127 is necessary in order to deliver the Scheme. The AA needs to retain the title to the land to ensure that appropriate PMA along the length of Lag Lane and Sawgate Road is provided and maintained. A new PMA will be provided along Sawgate Road and Lag Lane (PMA 16, 21, and 22).⁸⁶[10.114]

10.105 OBJ/21 AT & T Istel The objection is not an objection to the Orders, but is concerned that the road is properly designed and constructed and would not have adverse consequences for future housing developments on adjacent land.

10.106 The design of the NEMMDR was assessed at the time of the planning application and any necessary mitigation was secured by way of planning conditions. Subject to compliance with the relevant conditions there should be no significant adverse effects on the adjacent land.

10.107 OBJ/06 Mr Bell Mr Bell suggests that the Scheme would benefit from an additional link from the area occupied by Tesco and the hospital direct to the

⁸⁴ OL8 SRO Plan 2

⁸⁵ OL8 SRO Plan 4

⁸⁶ OL8 Plans 6 & &

NEMMDR. Such link would need to connect with either roundabout 4 or roundabout 5 and would need to cross fields and an area of woodland with consequential environmental dis-benefits. The design of the Scheme seeks to take account of future growth in the area. Transport Assessment identifies that the NEMMDR and will remove significant traffic volumes from Melton Mowbray town centre and that Thorpe Road will experience a decrease in overall traffic. Therefore whilst there may be a benefit in the removal of some traffic from this location, when weighed against potential environmental harm, the need to acquire additional land and the cost of such additional works, the additional link suggest by Mr Bell is not justified. The suggested link would also be likely to impact on the Melton Mowbray Manufacturing Zone.

10.108 OBJ 03 Mr Brooker Mr Brooker's concerns are related to the stopping up of Lag Lane and are addressed above. [10/16-10.19]

Conclusions on the Side Roads Order

10.109 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. Moreover, no stopping up order shall be made unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the SoS is satisfied that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.

10.110 With regards to the statutory criteria to be satisfied, I am mindful that provision is being made for statutory undertakers' apparatus within the proposal, and that liaison between the Applicant and the companies affected is on-going. [10.116-10.120]

10.111 I have considered the representations in relation to the SRO, including the stopping up of Lag Lane. I conclude that, subject to the submitted modifications, where a highway or PMA is to be stopped up, the SRO would provide a reasonably convenient alternative route or access for road users, as described in the schedules and plans of the SRO. The Schedule to the modified SRO is attached at Appendix E

Compelling Case in the Public Interest

10.112 The test to be applied in considering whether to confirm a CPO is whether there is a compelling case in the public interest for it to be made. This test satisfies the balancing act required when considering whether interference with Article 8 and/or Article 1 of the First Protocol constitutes a breach of the European Convention on Human Rights (ECHR) and is thus lawful and justified.

10.113 The Guidance advises that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. It also advises that compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change.

10.114 There are a number of interests in the land, and it would be unrealistic to expect the Council to acquire all of those interests by private treaty within a

reasonable timescale. It is evident that compulsory purchase is required to allow assembly within a timely fashion.

10.115 I conclude that the NEMMDR would make significant contributions to the economic and social well-being of the area. The Scheme is supported by development plan policies and national policies. The NEMMDR has been identified as a necessary piece of infrastructure to support delivery of the strategic housing land allocation and there is a clear evidence base pointing to its necessity.

10.116 Whilst there would be some limited harm to environmental objectives, this harm would be mitigated and offset to some extent by environmental gains, in particular to the River Eye SSSI. The provision of housing on a large scale is necessary to meet the future housing needs of the Melton Borough and the project would assist in facilitating the delivery of such housing.

10.117 Having regard to all of the above I am firmly of the view that interference with the private rights of the affected individuals is more than justified by the identified public benefits. Those individuals would of course be entitled to compensation for the loss of their land. In light of the significant public benefit to the Melton Mowbray area, with the successful implementation of the NEMMDR it is my view that the Orders would not constitute an unlawful interference with individual property rights. I conclude that any residual interference with human rights would be necessary in order to achieve the Scheme and, having regard to the Scheme benefits, would be proportionate.

Conclusions on the CPO

10.118 The CPO includes a schedule and plan of the land the AA seeks to acquire outright and that land over which it seeks to acquire rights. In accordance with the Guidance the CPO is accompanied by a Statement of Reasons. The Applicant's case in relation to the CPO is set out within that document.

10.119 The AA seeks to modify the CPO through the deletion of Plots 92 and 100, and an amendment to Plot 96 to clarify that it is seeking a right of access over the land.

10.120 The overall benefits in terms of providing the infrastructure necessary to facilitate the delivery of housing, together with improvements to the local highway networks and improved connectivity, when taken together, represent a compelling case in the public interest for the acquisition of the land. There is a clear purpose for the acquisition of the land and the necessary resources are available. I am further satisfied that there are no physical or legal impediments which are likely to block or delay the Scheme.

10.121 The acquisition of the land represents an interference with the human rights of those affected but must be balanced against the need for the land to facilitate the overall benefits of the Scheme. I conclude that the interference is proportionate and justifies interfering with the human rights of those with an interest in the land affected, having regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and the Human Rights Act 1998.

11.0 Recommendations

- 11.1 I recommend that the Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road, Classified Road) (Side Roads) Order 2020 should be confirmed subject to the submitted modifications 1-68. A copy of the schedule to the SRO including the modifications is attached at Appendix E.
- 11.2 I recommend that the Leicestershire County Council (A606 North and East Melton Mowbray Distributor Road) Compulsory Purchase Order 2020 should be confirmed with modifications. The Order should be modified by the deletion of Plots 92 and 100 and in the case of Plot 96 the insertion of the words '*A right of access with or without vehicles plant or machinery to the exclusion of others over..*' in column 2 of Table 1.

Lesley Coffey

PLANNING INSPECTOR

APPENDIX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Simon Randle	Of Counsel
He called	
Janna Walker	Assistant Director for Development, Leicestershire County Council
Jonathon Simons	River Eye Diversion Senior Engineer AECOM
Suzanne Scott	Noise and Vibration AECOM
Alison Leeder	Planning Associate Director AECOM
Mark Dazeley	Traffic Modelling Regional Director AECOM
Martyn Glossop	Scheme Engineer Technical Director AECOM
Matt Oakley	Technical Director of Ecology AECOM
Dr Ian Bentley	Flooding Principal Engineer AECOM
Ian Davies	Climate Change Technical Director AECOM
Anna Savage	Air Quality Associate Director AECOM
Nigel Weir	Associate Landscape Architect AECOM
Adam Larkin	Project Manager AECOM
Jack Merry	Consultant Valuer, Leicestershire County Council

OBJECTORS TO THE ORDERS:

Gary Brooker	Private individual (OBJ 3)
Mr Curley	Private individual

APPENDIX B: CORE DOCUMENTS

Some documents are duplicated in the list. Duplicates are shown with reference numbers indicating both positions in the list.

SUPPORTING DOCUMENTS

Ref	Document
SD1	<u>NEMMDR Preferred Route Plan</u>
SD2	<u>North and East Melton Mowbray Distributor Road Outline Business Case</u>
Outline Business Case Appendices A to M	
SD3	<u>Appendix A - Scheme and General Arrangement Drawings</u>
SD4	<u>Appendix B - Environmental Constraints</u>
SD5	<u>Appendix C - Detailed Cost Breakdown</u>
SD6	<u>Appendix D - Full Risk Register and QRA</u>
SD7	<u>Appendix E - Independent Cost Report</u>
SD8	<u>Appendix F - Economic Efficiency of the Transport System (TEE) Table</u>
SD9	<u>Appendix G - Analysis of Monetised Costs and Benefits (AMBC) Table</u>
SD10	<u>Appendix H - Public Accounts (PA) Table</u>
SD11	<u>Appendix I - Appraisal Summary Table (AST)</u>
SD12	<u>Appendix J - Detailed Project Plan</u>
SD13	<u>Appendix L - signed 151 officer letter</u>
SD14	<u>Appendix M - Detailed Scheme Plans</u>

Further supporting documents	
SD15	<u>NEMMDR General Arrangement Overview Plan</u>
SD16	<u>NEMMDR Cabinet Report - 24 March 2020</u>
SD17	<u>Planning Decision Meeting - 23 May 2019</u>
SD18 (P6)	Decision Notice - Planning Permission
SD19	<u>Consultation Report</u>
SD20	<u>Environment & Transport Overview and Scrutiny Committee Report - 7 December 2017</u>
SD21	<u>Cabinet Report - 12 December 2017</u>
SD22	<u>Melton Mowbray Options Assessment Report</u>

COMPULSORY PURCHASE ORDER AND SIDE ROADS ORDER PROCESS

CP1	<u>The Compulsory Purchase (Inquiries Procedure) Rules 2007</u>
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CP2	<u>Compulsory Purchase and Compensation Booklet 1: Procedure</u>
CP3	<u>Compulsory Purchase and Compensation Booklet 2: Compensation to Business Owners and Occupiers</u>
CP4	<u>Compulsory Purchase and Compensation Booklet 3: Compensation to Agricultural Owners and Occupiers</u>
CP5	<u>Compulsory Purchase and Compensation Booklet 4: Compensation to Residential Owners and Occupiers</u>
CP6	<u>Compulsory Purchase and Compensation Booklet 5: Reducing the Adverse Effects of Public Development</u>

STATEMENT OF CASE AND DOCUMENTATION

PLANNING

P1	<u>Melton Local Plan 2011-2036</u>
P1A	<u>Melton Local Plan Examination – Inspector’s Report</u>
P2	<u>North and East Melton Mowbray Distributor Road Planning Transport Assessment (September 2018)</u>
P3	<u>North and East Melton Mowbray Distributor Road Planning Application 2018/1204/06 web page - relevant documents are listed below</u>
Planning Application Report and Decision	
P3-1	<u>Committee Report</u>
P3-2 (P6)	<u>Decision Notice</u>
Planning Application	
P3-3	<u>Application Form</u>
P3-4	<u>Loss of Residential Dwelling Information</u>
P3-5	<u>Environmental Statement Volume I</u>
P3-6 (P13)	<u>01. ES Volume II - Non Technical Summary & Figures 2.1 to 3.4</u>
P3-7 (P15a)	<u>02. ES Volume II - Figure 5.1</u>
P3-8 (P15b)	<u>03. ES Volume II - Figures 5.2 - Part 1 of 2</u>
P3-9 (P15c)	<u>04. ES Volume II - Figures 5.2 - Part 2 of 2</u>
P3-10	<u>05. ES Volume II - Figures 6.1 to 6.3</u>
P3-11	<u>06. ES Volume II - Figures 7.1 and 7.2</u>
P3-12	<u>07. ES Volume II - Figures 7.3 and 7.4</u>
P3-13 (P14a)	<u>08. ES Volume II - Figures 11.1 to 11.3</u>
P3-14 (P14b)	<u>09. ES Volume II - Figures 11.4 to 11.6</u>
P3-15 (P14c and P14d)	<u>10. ES Volume II - Figures 11.7 and 11.8</u>
P3-16 (P14e)	<u>11. ES Volume II - Figure 11.9</u>
P3-17	<u>12. ES Volume II - Figures 15.1 to 15.2</u>
P3-18	<u>13. ES Volume II - Figure 15.3</u>
P3-19	<u>14. ES Volume II - Figures 16.1 to 17.1</u>
P3-20 (P18)	<u>01. ES Volume III - Appendix 3.1 - River Eye Options Appraisal Report</u>
P3-21	<u>02. ES Volume III - Appendix 4.1 - North & East MMDR Record of Consultation</u>
P3-22 (P16)	<u>03. ES Volume III - Appendix 5.1 - Air Quality Monitoring Technical Note</u>
P3-23	<u>04. ES Volume III - Appendix 6.1 - Known Heritage Assets</u>
P3-24	<u>05. ES Volume III - Appendix 6.2 - Melton Mowbray GI Watching Brief Report</u>
P3-25	<u>06. ES Volume III - Appendix 6.3 - Geophysical Survey Report</u>
P3-26	<u>07. ES Volume III - Appendix 6.3 - Drawings 1 of 5</u>
P3-27	<u>08. ES Volume III - Appendix 6.3 - Drawings 2 of 5</u>
P3-28	<u>09. ES Volume III - Appendix 6.3 - Drawings 3 of 5</u>

P3-29	<u>10. ES Volume III - Appendix 6.3 - Drawings 4 of 5</u>
P3-30	<u>11. ES Volume III - Appendix 6.3 - Drawings 5 of 5</u>
P3-31	<u>12. ES Volume III - Appendix 6.3 - Bibliography & Appendices</u>
P3-32	<u>13. ES Volume III - Appendix 6.4 - Written Scheme of Investigations for Archaeological Trenching</u>
P3-33	<u>14. ES Volume III - Appendix 6.4 - Figures</u>
P3-34	<u>15. ES Volume III - Appendix 6.4 - Appendix 1</u>
P3-35	<u>16. ES Volume III - Appendix 6.4 - Appendix 2 Report</u>
P3-36	<u>17. ES Volume III - Appendix 6.4 - Appendix 2 Bibliography & Appendices</u>
P3-37	<u>18. ES Volume III - Appendix 6.4 - Appendix 2 Drawings 1 of 5</u>
P3-38	<u>19. ES Volume III - Appendix 6.4 - Appendix 2 Drawings 2 of 5</u>
P3-39	<u>20. ES Volume III - Appendix 6.4 - Appendix 2 Drawings 3 of 5</u>
P3-40	<u>21. ES Volume III - Appendix 6.4 - Appendix 2 Drawings 4 of 5</u>
P3-41	<u>22. ES Volume III - Appendix 6.4 - Appendix 2 Drawings 5 of 5</u>
P3-42	<u>23. ES Volume III - Appendix 6.5 - Heritage Plates and Appendix 8.1 - Preliminary Ecological Survey Report</u>
P3-43	<u>24. ES Volume III - Appendix 8.2-8.4 - Ecology Surveys</u>
P3-44	<u>25. ES Volume III - Appendix 8.5-8.6 - Ecology Surveys</u>
P3-45	<u>26. ES Volume III - Appendix 8.7 - Breeding Bird Survey Report</u>
P3-46	<u>27. ES Volume III - Appendix 8.8 - Wintering Bird Survey Report</u>
P3-47	<u>28. ES Volume III - Appendix 8.8 - Drawings 1 of 2</u>
P3-48	<u>29. ES Volume III - Appendix 8.8 - Drawings 2 of 2</u>
P3-49	<u>30. ES Volume III - Appendix 8.9 - Barn Owl Survey Report</u>
P3-50	<u>31. ES Volume III - Appendix 8.10 - Bat Roost Potential Survey</u>
P3-51	<u>33. ES Volume III - Appendix 8.12 - Otter and Water Vole Survey Report</u>
P3-52	<u>34. ES Volume III - Appendix 9.1 - Geotechnical Investigation Report</u>
P3-53	<u>35. ES Volume III - Appendix 9.2 - Agricultural Land Classification & Soil Resources Report</u>
P3-54	<u>36. ES Volume III - Appendix 11.1-11.4 - Noise Survey</u>
P3-55	<u>37. ES Volume III - Appendix 15.1 - NMU Survey, Appendix 15.2 - Agricultural Circumstances Report, Appendix 16.1 - Water Legislative & Policy Framework, Appendix 16.2 - Water Quality Monitoring and Appendix 16.3 - HAWRAT Method A & D, Data & Results</u>
P3-56	<u>38. ES Volume III - Appendix 16.4 - Flood Risk Assessment Report</u>
P3-57	<u>39. ES Volume III - Appendix 16.4 - Appendix A</u>
P3-58	<u>40. ES Volume III - Appendix 16.4 - Appendix B</u>
P3-59	<u>41. ES Volume III - Appendix 16.4 - Appendix C</u>
P3-60	<u>42. ES Volume III - Appendix 16.4 - Appendix D</u>
P3-61	<u>43. ES Volume III - Appendix 16.4 - Appendix E</u>
P3-62	<u>44. ES Volume III - Appendix 16.4 - Appendix F Part 1 of 2</u>
P3-63	<u>45. ES Volume III - Appendix 16.4 - Appendix F Part 2 of 2</u>
P3-64	<u>46. ES Volume III - Appendix 16.4 - Appendix G Part 1 of 7</u>
P3-65	<u>47. ES Volume III - Appendix 16.4 - Appendix G Part 2 of 7</u>
P3-66	<u>48. ES Volume III - Appendix 16.4 - Appendix G Part 3 of 7</u>
P3-67	<u>49. ES Volume III - Appendix 16.4 - Appendix G Part 4 of 7</u>
P3-68	<u>50. ES Volume III - Appendix 16.4 - Appendix G Part 5 of 7</u>
P3-69	<u>51. ES Volume III - Appendix 16.4 - Appendix G Part 6 of 7</u>
P3-70	<u>52. ES Volume III - Appendix 16.4 - Appendix G Part 7 of 7</u>
P3-71	<u>53. ES Volume III - Appendix 16.5 - Water Framework Directive Assessment Report</u>

P3-72	<u>54. ES Volume III - Appendix 16.6 - Surface Water Drainage Plan</u>
P3-73	<u>55. ES Volume III - Appendix 16.6 - Drawings 1 of 2</u>
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P3-75	<u>Additional Information - ES Addendum</u>
P3-76	<u>Revised Information - ES Addendum - Figure 2.3 Structure Locations</u>
P3-77	<u>Revised Information - ES Addendum Appendix A - Figure 15.2 - Proposed NMU Plans</u>
P3-78	<u>Revised Information - ES Addendum Appendix B - Figure 11.8 - Noise Plan</u>
P3-79	<u>Additional Information - ES Addendum Appendix C - EA Access to Brentingby Dam</u>
P3-80	<u>Additional Information - ES Addendum Appendix D - Water Framework Directive Update</u>
P3-81	<u>Additional Information - ES Addendum Appendix E - Indicative Noise 2036 DS Grid New Housing</u>
P3-82	<u>Additional Information - ES Addendum Appendix F - Response to LCC Ecologist Comments</u>
P3-83	<u>Additional Information - ES Addendum Appendix G - Pond 4 Great Crested Newts Mitigation</u>
P3-84	<u>Additional Information - Archaeology Report</u>
P3-85	<u>Additional Information - Archaeology Report - Appendix 1</u>
P3-86	<u>Location Plan</u>
P3-87	<u>General Arrangement Key Plan</u>
P3-88	<u>Revised Information - General Arrangement Plan 1</u>
P3-89	<u>Revised Information - General Arrangement Plan 2</u>
P3-90	<u>Revised Information - General Arrangement Plan 3</u>
P3-91	<u>Revised Information - General Arrangement Plan 4</u>
P3-92	<u>Revised Information - General Arrangement Plan 5</u>
P3-93	<u>Revised Information - General Arrangement Plan 6</u>
P3-94	<u>Revised Information - General Arrangement Plan 7</u>
P3-95	<u>Revised Information - General Arrangement Plan 8</u>
P3-96	<u>Revised Information - General Arrangement Plan 9</u>
P3-97	<u>Revised Information - General Arrangement Plan 10</u>
P3-98	<u>Revised Information - General Arrangement Plan 11</u>
P3-99	<u>Revised Information - General Arrangement Plan 12</u>
P3-100	<u>Revised Information - General Arrangement Plan 13</u>
P3-101	<u>Revised Information - General Arrangement Plan 14</u>
P3-102	<u>Revised Information - General Arrangement Plan 15</u>
P3-103	<u>Revised Information - General Arrangement Plan 16</u>
P3-104	<u>Revised Information - General Arrangement Plan 17</u>
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P3-107	<u>Revised Information - General Arrangement Plan 20</u>
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P3-109	<u>Red Line Boundary Annotated Sheet 1</u>
P3-110	<u>Red Line Boundary Annotated Sheet 2</u>
P3-111	<u>Red Line Boundary Annotated Sheet 3</u>
P3-112	<u>Red Line Boundary Annotated Sheet 4</u>
P3-113	<u>Red Line Boundary Annotated Sheet 5</u>
P3-114	<u>Red Line Boundary Annotated Sheet 6</u>
P3-115	<u>Red Line Boundary Annotated Sheet 7</u>

P3-116	<u>Culvert C01 Indicative General Arrangement</u>
P3-117	<u>Culvert C02 Indicative General Arrangement</u>
P3-118	<u>Culvert C03 Indicative General Arrangement</u>
P3-119	<u>Railway Bridge Indicative General Arrangement Sheet 1 of 2</u>
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P3-121	<u>River Eye Bridge Indicative General Arrangement</u>
P3-122	<u>Revised Information - Scafford Brook Bridge Indicative General Arrangement</u>
P3-123	<u>Revised Information - Thorpe Brook Bridge Indicative General Arrangement</u>
P3-124	<u>Highway Cross Sections - Section 1</u>
P3-125	<u>Highway Cross Sections - Section 2</u>
P3-126	<u>Highway Cross Sections - Section 3</u>
P3-127	<u>Highway Cross Sections - Section 4</u>
P3-128	<u>Highway Cross Sections - Section 5</u>
P3-129	<u>Landscape Masterplan Key</u>
P3-130	<u>Revised Information - Landscape Masterplan 1</u>
P3-131	<u>Revised Information - Landscape Masterplan 2</u>
P3-132	<u>Revised Information - Landscape Masterplan 3</u>
P3-133	<u>Revised Information - Landscape Masterplan 4</u>
P3-134	<u>Revised Information - Landscape Masterplan 5</u>
P3-135	<u>Revised Information - Landscape Masterplan 6</u>
P3-136 (P17)	<u>Revised Information - Landscape Masterplan 7</u>
P3-137	<u>Outline Lighting Plan 1</u>
P3-138	<u>Outline Lighting Plan 2</u>
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P3-146	<u>Outline Lighting Plan 10</u>
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P3-162	<u>Outline Lighting Plan 26</u>
P3-163	<u>Outline Lighting Plan 27</u>
P3-164	<u>Outline Lighting Plan 28</u>

P3-165	<u>Outline Lighting Plan 29</u>
P3-166	<u>Outline Lighting Plan 30</u>
P3-167	<u>Outline Lighting Plan 31</u>
P3-168	<u>Outline Lighting Plan 32</u>
P3-169	<u>Outline Lighting Plan 33</u>
P3-170	<u>Outline Lighting Plan 34</u>
P3-171	<u>Outline Lighting Plan 35</u>
P3-172	<u>Outline Lighting Plan 36</u>
P3-173	<u>Additional Information - Indicative Proposed NMU Routes Plan 1</u>
P3-174	<u>Additional Information - Indicative Proposed NMU Routes Plan 2</u>
P3-175	<u>Additional Information - Indicative Proposed NMU Routes Plan 3</u>
P3-176	<u>Additional Information - Indicative Proposed NMU Routes Plan 4</u>
P3-177	<u>Additional Information - Indicative Proposed NMU Routes Plan 5</u>
P3-178	<u>Additional Information - Indicative Proposed NMU Routes Plan 6</u>
P3-179	<u>Additional Information - Indicative Proposed NMU Routes Plan 7</u>
P3-180	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 1</u>
P3-181	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 2</u>
P3-182	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 3</u>
P3-183	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 4</u>
P3-184	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 5</u>
P3-185	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 6</u>
P3-186	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 7</u>
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P3-194	<u>Additional Information - Indicative Lighting Lux Contour Layout Plan 15</u>
P3-195	<u>Arboricultural Impact Assessment</u>
P3-196	<u>Construction Traffic Management Plan</u>
P3-197	<u>Statement of Community Engagement</u>
P3-198	<u>Supporting Statement</u>
P3-199	<u>Transport Assessment</u>
P3-200	<u>Equalities and Human Rights Impact Assessment Form</u>
P3-201	<u>Equalities and Human Rights Impact Assessment Report</u>
P3-202	<u>Additional Information - Cover Letter</u>
P3-203	<u>Additional Information - Letter Responding to Consultee Responses on the Canal</u>
P3-204	<u>Additional Information - Road Safety Audit</u>
P3-205	<u>Additional Information - Response to Historic England Comments</u>
P3-206	<u>Revised Information - Water Framework Directive Report</u>
P4	Development Control and Regulatory Board Report of the Chief Executive (May 2019)
P5	<u>Development Control and Regulatory Board Report of the Chief Executive Supplementary Report (May 2019)</u>
P6 (P3-2)	<u>LCC Development Control and Regulatory Board Planning Notice (2018/1204/06)</u>
P7	<u>Planning Application 18/00359/OUT - Sysonby Farm Residential Development - only available as a web page</u>

P8	<u>Planning Application 14/00518/OUT - Land West of Scafford Road, Residential Development - only available as a web page</u>
P9	<u>Planning Application 16/00309/DIS - Land East of Scafford Road, Discharge of Condition Construction of 77 Units - only available as a web page</u>
P10	<u>Planning Application 19/01270/DIS - Land West of Melton Spinney Road, Discharge of Condition 200 Dwellings - only available as a web page</u>
P11	<u>Planning Application 16/00515/OUT - Land South of Kirby Lane and West of Burton Road Updated Site Boundary - only available as a web page</u>
P12a	<u>Planning Application 20/01214/REM - Land North John Ferneley College, Scafford Road, Melton Mowbray) - only available as a web page</u>
P13 (P3-6)	<u>(0.1) ES Volume II - Non-Technical Summary Figures</u>
P14a (P3-13)	<u>(0.8) ES Volume II - Figures 11.1 to 11.3 (Noise)</u>
P14b (P3-14)	<u>(0.9) ES Volume II - Figures 11.4 to 11.6 (Noise)</u>
P14c (P3-15)	0.8-to-11-ES-Volume-II-Figures-11.7
P14d (P3-15)	Revised Information - ES Addendum - Figure 11.8 - Noise Plan
P14e (P3-16)	<u>(11) ES Volume II - Figures 11.9 (Noise)</u>
P15a (P3-7)	<u>(0.2) ES Volume II –Figure 5.1 (Air)</u>
P15b (P3-8)	<u>(0.3) ES Volume II –Figure 5.2 (Part 1 of 2) (Air)</u>
P15c (P3-9)	<u>(0.4) ES Volume II – Figure 5.2 (Part 2 of 2) (Air)</u>
P16 (P3-22)	<u>(0.3) ES Volume III - Appendix 5.1 - Air Quality Monitoring Technical Note</u>
P17 (P3-136)	<u>Revised Information – Landscape Masterplan 7</u>
P18 (P3-20)	<u>01. ES volume III – appendix 3.1 River Eye Options Appraisal</u>
P19	<u>Appendix 5.2 Verification</u>
P20	<u>Appendix 5.3 Assessment Results</u>
P21	<u>Appendix 5.4 Eco Assessment Results</u>

SCHEME ASSESSMENT AND DEVELOPMENT

SAD1	<u>Melton Mowbray Distributor Road Options Assessment Report (2016)</u>
SAD2	<u>Melton Mowbray Distributor Road Options Assessment Report Refresh (2017)</u>
SAD3	<u>Melton Mowbray Eastern Distributor Road Environmental Constraints Report (2017)</u>
SAD4	<u>Melton Mowbray Distributor Road Outline Business Case (2017)</u>
SAD5	<u>MMDR Outline Business Case, LLITM 2014 Base MMDR OBC Additional Sensitivity Testing v1.1</u>
SAD6	<u>Melton Mowbray Distributor Road FBC: Interim TUBA Assessment</u>
SAD7	<u>Melton Mowbray Distributor Road Transport Assessment: Initial Modelling Technical Note</u>
SAD8	<u>North and East Melton Mowbray Distributor Road Preferred Route Plan</u>
SAD9	<u>North and East Melton Mowbray Distributor Road Scheme Drawings</u>
SAD10	<u>Melton Mowbray Distributor Road Concept Design Report (2016)</u>
SAD11	<u>Lag Lane Vehicle Behaviour Study</u>
SAD12a	<u>Accident Data for Area Around Thorpe Arnold</u>

SAD12b	<u>Accident Map for Thorpe Arnold</u>
SAD13	<u>Melton Mowbray Distributor Road Local Highway Model LMVR</u>
SAD14	<u>Melton Mowbray Distributor Road Outline Business Case: Forecasting Report</u>
SAD15	<u>River Eye SSSI Strategic Restoration Plan</u>
SAD16	<u>Flood Risk Assessment Appendices</u>
SAD17	<u>General Arrangement Plans</u>
SAD18	<u>Stage 1 Road Safety Audit Designer's Response</u>
SAD19	<u>Stage 2 Road Safety Audit Designer's Response</u>

PLANS, POLICY AND GUIDANCE

PPG1	<u>Leicestershire Local Transport Plan 3 (LTP3)</u>
PPG2	<u>DfT CPO guidance regarding COVID-19</u>
PPG3	<u>Highways Act 1980</u>
PPG4	<u>Strategic Growth Plan Leicester & Leicestershire</u>
PPG5	<u>DfT Single Departmental Plan</u>
PPG6	<u>Town and Country Planning General Regulations 1992</u>
PPG7	<u>Section 38 (6) Planning and CPA 2004 PDF</u>
PPG8	<u>National Planning Policy Framework (NPPF)</u>
PPG9	<u>The National Planning Practice Guidance - <i>only available as a web page</i></u>
PPG10	<u>The Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (WoTW and TA NP)</u>
PPG11	<u>DfT Circular 06/2004</u>
PPG12	<u>Compulsory Purchase and Crichel Down Rules</u>
PPG13	<u>DfT Circular 2/97</u>
PPG14	<u>Human Rights Act 1998</u>
PPG15	<u>Section 14 Highways Act 1980</u>
PPG16	<u>Section 125 Highways Act 1980</u>
PPG17	<u>Noise Policy Statement for England (NPSE)</u>
PPG18	<u>Decarbonising Transport – A Better, Greener Britain</u>
PPG19	<u>Transport Orders Guidance</u>

DECISION MAKING

DM1	<u>LCC Cabinet Report May 2016</u>
DM2	<u>LCC Cabinet Report December 2017</u>
DM3	<u>LCC Medium Term Financial Strategy</u>
DM4	<u>NEMMDR Preferred Route Lead Member Report May 2018</u>
DM5	<u>NEMMDR Preferred Route Lead Member Meeting Minutes May 2018</u>
DM6	<u>LCC Cabinet Report July 2018</u>
DM7	<u>LCC Cabinet Report June 2019</u>
DM8	<u>LCC Cabinet Report November 2019</u>
DM9	<u>LCC Cabinet Report March 2020</u>
DM10	<u>LCC Cabinet Supplementary Report March 2020</u>
DM11	<u>Report on the Examination of the Melton Local Plan (September 2018)</u>
DM12	<u>DfT Programme Entry Funding Confirmation Letter</u>
DM13	<u>LLEP Funding in Principle Letter</u>

TECHNICAL GUIDANCE

TG1 - Design Manual for Roads and Bridges (DMRB) - relevant documents are listed below	
TG2	<u>CIRIA SuDS Manual (Construction Industry Research and Information Association Sustainable Drainage System)</u>
TG3	<u>Government Guidance on Travel Plans, Transport Assessments and Statements - only available as a web page</u>
TG4	<u>DMRB CD 109 Highway Link Design</u>
TG5	<u>DMRB CD 622 - Managing Geotechnical Risk</u>
TG6	<u>Construction (Design and Management Regulations) 2015</u>
TG7	<u>Leicestershire Highway Design Guide</u>
TG8	<u>Sewers for Adoption</u>
TG9	<u>Non-Technical Standards for SUDS</u>
TG10	<u>DMRB TD16/07 Geometric Design of Roundabouts</u>
TG11	<u>Guidelines for Landscape and Visual Impact Assessment</u>
TG12	<u>DMRB LA 117 Landscape Design</u>
TG13	<u>DMRB LA 107 Landscape and Visual Effects</u>
TG14	<u>DMRB LA 104 Environmental Assessment and Monitoring</u>
TG15	<u>Calculation of Road Traffic Noise</u>
TG16	<u>DMRB HD213-11 R1 Noise and Vibration</u>
TG17	<u>BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites - Noise</u>
TG18	<u>BS 5228-2:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Vibration</u>
TG19	<u>DMRB CD 109 Revision 1 Highway Link Design</u>
TG20	<u>DMRB LA 105 Air Quality</u>
TG21	<u>DMRB LA 107 Revision 2 Landscape and Visual Effects</u>
TG22	<u>DMRB - LA 109 Geology and Soils</u>
TG23	<u>DMRB LA 111 Noise and Vibration</u>
TG24	<u>DMRB LD 117 Landscape Design</u>
TG25	<u>Calculation of Road Traffic Noise</u>
TG26	<u>DMRB Volume 11 Section 3 Part 7 - HD 213-11 Noise and Vibration</u>

COMMUNICATION AND CONSULTATION

CC1	<u>NEMMDR Bulletins 1</u>
CC2	<u>NEMMDR Bulletins 2</u>
CC3	<u>NEMMDR Bulletins 3</u>
CC4	<u>NEMMDR Bulletins 4</u>
CC5	<u>NEMMDR Bulletins 5</u>
CC6	<u>NEMMDR Bulletins 6</u>
CC7	<u>NEMMDR Bulletins 7</u>
CC8	<u>NEMMDR Bulletins 8</u>
CC9	<u>NEMMDR Bulletins 9</u>
CC10	<u>NEMMDR Bulletins 10</u>
CC11	<u>Melton Mowbray Distributor Road Consultation Feedback Report (2017)</u>
CC12	<u>Melton Mowbray Distributor Road Public Consultation Materials (2017)</u>
CC13	<u>Melton Mowbray Distributor Road Consultation Brochure (2017)</u>

CC14	North and East Melton Mowbray Distributor Road Scheme 3D visualisation for Planning - video
CC15	<u>NEMMDR Bulletins 11</u>
CC16	<u>NEMMDR Bulletins 12</u>

ORDER/LEGAL

OL1	<u>Statement of Reasons</u>
OL2	<u>Department for Transport Letter</u>
OL3	<u>Relevant Date Letter</u>
OL4	<u>Statement of Case</u>
OL5	<u>Compulsory Purchase Order Plans</u>
OL6	<u>Compulsory Purchase Order and Schedule</u>
OL7	<u>Compulsory Purchase Order Notices</u>
OL8	<u>Side Roads Order Plans</u>
OL9	<u>Side Roads Order and Schedule</u>
OL10	<u>Side Roads Order Schedule Notes</u>
OL11	<u>SRO Sealed Plan Folio</u>
OL12	<u>Side Roads Order Notices</u>

OBJECTIONS RECEIVED

OBJ1	Anon
OBJ2	Western Power Distribution PLC
OBJ3	Mr G Brooker
OBJ4	Mr & Mrs Spencer
OBJ5	Asfordby Storage & Haulage Ltd
OBJ6	Mr M Bell
OBJ7	Network Rail Infrastructure Ltd
OBJ8	<u>Mr & Mrs Skelton</u>
OBJ9	BK and JC Holt
OBJ10	Jelson Ltd
OBJ11	Framland Farm Ltd
OBJ12	BB& B Leisure Parks Ltd
OBJ13	Mr T Henderson
OBJ14	Mrs Barnes and R A Barnes & Sons
OBJ15	<u>Hatton & Lovegroves</u>
OBJ16	<u>Holmes, Long & Williams</u>
OBJ17	<u>Hill, Hill, Pickup Hyde Spreckleys Farm</u>
OBJ18	<u>Western Range Ltd</u>
OBJ19	<u>Hill, Hill, Pickup and Hyde Home Farm</u>
OBJ20	<u>Ernest Cook Trust</u>
OBJ21	<u>AT & T Istel</u>
OBJ22	<u>Wilson Enterprises</u>

LEICESTERSHIRE COUNTY COUNCIL RESPONSES TO OBJECTIONS

LCCR01	<u>Redacted</u>
LCCR03A	<u>Mr G Brooker</u>
LCCR03B	<u>Mr G Brooker</u>
LCCR04	<u>Mr & Mrs Spencer</u>
LCCR05	<u>Asfordby Haulage Storage Ltd</u>
LCCR06	<u>Mr MP Bell</u>
LCCR08A	<u>Skelton</u>
LCCR08B	<u>Skelton</u>
LCCR09	<u>Mr & Mrs Holt</u>
LCCR10	<u>Jelson</u>
LCCR11	<u>Framland Farm Ltd</u>
LCCR12	<u>BB&B Leisure Parks Ltd</u>
LCCR13	<u>Mr T Henderson</u>
LCCR14	<u>Mrs Barnes & R A Barnes and Sons</u>
LCCR15	<u>Hatton & Lovegroves</u>
LCCR16	<u>Holmes, Long Williams</u>
LCCR17	<u>Hill, Hill Pickup & Hyde Spreckleys Farm</u>
LCCR18	<u>Western Range Ltd</u>
LCCR19	<u>Hill, Hill, Pickup & Hyde Home Farm</u>
LCCR20	<u>Ernest Cook Trust</u>
LCCR21	<u>AT&T Istel</u>

PROOFS OF EVIDENCE**LEICESTERSHIRE COUNTY COUNCIL**

LCC01	<u>NEMMDR Promoter Proof of Evidence</u>
LCC01A	<u>NEMMDR Promoter Proof of Evidence</u>
LCC01B	<u>NEMMDR Promoter Proof of Evidence Addendum Redaction</u>
LCC02	<u>NEMMDR Scheme Engineer Proof of Evidence</u>
LCC03	<u>NEMMDR Traffic Proof of Evidence</u>
LCC04	<u>NEMMDR Landscape Proof of Evidence</u>
LCC05	<u>NEMMDR Planning Proof of Evidence</u>
LCC06	<u>NEMMDR Proof of Evidence River Eye and SSSI</u>
LCC06A	<u>NEMMDR Proof of Evidence River Eye and SSSI – Summary and Conclusion,</u>
LCC07	<u>NEMMDR Flooding Proof of Evidence</u>
LCC07A	<u>NEMMDR Flooding Proof of Evidence Addendum,</u>
LCC08	<u>NEMMDR Ecology Proof of Evidence</u>
LCC09	<u>NEMMDR Air Quality Proof of Evidence</u>
LCC10	<u>NEMMDR Noise Proof of Evidence</u>
LCC11	<u>NEMMDR Property Proof of Evidence</u>
LCC12	<u>NEMMDR Climate Change Proof of Evidence</u>

OBJECTORS

OBJ3 P1	Mr <u>Brooker</u>
OBJ13 P1	Mr T Henderson
OBJ15 P1	<u>Lovegrove Hatton and Lovegrove</u>

LEICESTERSHIRE COUNTY COUNCIL REBUTTALS

LCCREB1	Mr <u>Brooker OBJ03 Rebuttal</u>
LCCREB2	<u>Hatton Lovegroves OBJ15 Rebuttal</u>
LCCREB3	Mr Henderson OBJ13 Rebuttal

PROPOSED MODIFICATIONS

Table of Modifications	
MOD1 (ID4)	<u>Table of SRO and CPO Modifications</u>
SRO Schedule and Plans	
MOD3	<u>SRO Schedule</u>
MOD3A	<u>SRO Schedule with further modifications</u>
MOD5	<u>SRO Plan 1 Rev C02</u>
MOD6	<u>SRO Plan 2 Rev C02</u>
MOD7	<u>SRO Plan 3 Rev C02</u>
MOD8	<u>SRO Plan 3A Rev C02</u>
MOD9	<u>SRO Plan 4 Rev C02</u>
MOD9A	SRO Plan 4 Rev C03
MOD10	<u>SRO Plan 4A Rev C02</u>
MOD10A	SRO Plan 4A Rev C03
MOD11	<u>SRO Plan 5 Rev C02</u>
MOD12	<u>SRO Plan 5A Rev C02</u>
MOD13	<u>SRO Plan 6 Rev C02</u>
MOD14	<u>SRO Plan 6A Rev C02</u>
MOD15	<u>SRO Plan 7 Rev C02</u>
MOD16	<u>SRO Plan 7A Rev C02</u>
MOD17	<u>SRO Plan 7B Rev C02</u>
MOD18	<u>Further Modifications</u>
CPO Table and Plans	
MOD2	<u>CPO Tables</u>
MOD4	<u>CPO Plan 5 of 7 Rev P02</u>

APPENDIX C: DOCUMENTS SUBMITTED TO THE INQUIRY**LEICESTERSHIRE COUNTY COUNCIL**

Ref	Document	Date submitted
LCC/ID1	<u>Opening Remarks on Behalf of Leicestershire County Council</u>	21 Sept 2021
LCC/ID2	<u>NEMMDR Notice of Modifications Letter</u>	22 Sept 2021
LCC/ID3	<u>Item 3 Developer Contributions SPD [MBC]</u>	22 Sept 2021
LCC/ID4	<u>Item 3 Appendix A Developer Contributions SPD September 2021 [MBC]</u>	22 Sept 2021
LCC/ID5	<u>LCC Cabinet Report Extract Friday 17 September 2021</u>	22 Sept 2021
LCC/ID6	<u>LCC Cabinet Decisions Friday 17 September 2021</u>	22 Sept 2021
LCC/ID7	<u>Correspondence David Wilson</u>	23 Sept 2021
LCC/ID8	<u>Janna Walker Note 1 with Appendices Redacted</u>	24 Sept 2021
LCC/ID9	<u>Mark Dazeley Note 1</u>	24 Sept 2021
LCC/ID10	<u>Asfordby Objection Note 1</u>	24 Sept 2021
LCC/ID11	<u>Alison Leeder Note 1</u>	24 Sept 2021
LCC/ID12	<u>Suzanne Scott Note 1</u>	28 Sept 2021
LCC/ID13	<u>Hill Pickup Hyde Spreckleys Objection Note 1 with Appendices [redacted]</u>	29 Sept 2021
LCC/ID14	<u>Notes to the Inquiry Ian Davies Note</u>	30 Sept 2021
LCC/ID15	<u>Closing Remarks on Behalf of Leicestershire County Council</u>	30 Sept 2021
LCC/ID16	<u>Plan Identifying Melton Mowbray Manufacturing Zone and Other Developments</u>	27 Sep 2021

INSPECTOR

Ref	Document	Date submitted
INS/ID1	<u>Inspector's Note re Site Visits</u>	24 Sept 2021
INS/ID2	<u>Inspector's Inquiry Closed Letter</u>	8 October 2021

WITHDRAWAL LETTERS

Ref	Document	Date Submitted
WD/OBJ09	Mr & Mrs Holt	20 Sept 2021
WD/OBJ22	Wilson Enterprises	27 Sept 2021
WD/OBJ11	Framland Farm	28 Sept 2021
WD/OBJ17	Spreckleys Farm	29 Sept 2021
WD/OBJ07	Network Rail	05 Oct 2021

APPENDIX D: Schedule of Proposed 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.
62	4	N4	Revised realignment of bridleway N4.
63	5	16	Description details amended to include access for the purposes of Network Rail.
64	5A	16	Description details amended to include access for the purposes of Network Rail.
65	6	16	Description details amended to include access for the purposes of Network Rail.
66	6A	16	Description details amended to include access for the purposes of Network Rail.
67	7	16	Description details amended to include access for the purposes of Network Rail.
68	7A	16	Description details amended to include access for the purposes of Network Rail.

APPENDIX E
Side Road Order Schedule with proposed Modifications (Attached as separate document)