

**LEICESTERSHIRE COUNTY COUNCIL**

**NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD**

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

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

**Response to Mr T. Henderson (DfTObj13)**

**September 2021**

## **1. Grounds of Objection Raised by the Objector**

We have examined the Proof of Evidence (email) submitted by the Objector and note the following key issues:

- 1.1. Light and noise pollution from traffic on Roundabout 6 impacting property and disturbing sleep.
- 1.2. The landowner was not consulted at an early stage prior to submission of the Planning Application for the scheme, and responses were not given to emails raising objections and concerns during planning.
- 1.3. The position of Roundabout 6 is too close to his property.
- 1.4. Requests LCC to provide a new dropped kerb access to his property to serve a building plot within his land.
- 1.5. Requests details/discussion of boundary treatment between his property and the NEMMDR, including fencing and tree removal.
- 1.6. Concerned that NEMMDR earthworks will damage the soak away and filtration system from his property. Requests LCC consider connecting his property to mains sewerage system as part of the scheme in order to alleviate potential damage.

## **2. Response by Leicestershire County Council**

In reading the responses below it should be noted that there are no works proposed on Mr Henderson's property. The reason that the Council is acquiring title to land (CPO Plots 140 & 141) adjoining Mr Henderson's property is the legal presumption that the adjacent landowner owns land to the centreline of the highway, therefore title is required for the implementation of the scheme, which at this point includes work to the footway.

- 2.1. Response to light and noise pollution from traffic on Roundabout 6 impacting property and disturbing sleep.
  - 2.1.1. The circulatory carriageway of Roundabout 06 is located nearly 80 m from the nearest corner of Mr Henderson's Property (hereafter "the property").
  - 2.1.2. Following the construction of the NEMMDR, there will be a reduction in traffic past the property with a significant proportion of traffic rerouted away from Burton Road along the NEMMDR.
  - 2.1.3. Given that the roundabout will be lit at night by street lighting, it is expected that vehicles will use dipped beam headlights on the approach to the roundabout and around the circulatory carriageway itself.
  - 2.1.4. In its formal response dated 18/05/21 the Council indicated that noise levels were predicted to decrease overall at the property, whilst there would be a slight

increase to some parts of the garden. These predictions included the future effects of traffic noise from the MMDR South. It is considered more appropriate to consider the NEMMDR in isolation, and in this case predicted noise levels at the property will decrease.

2.1.5. The assessment of the environmental effects of the Scheme, in respect of noise and air quality implications, have been set out fully in the reports which accompanied the planning application. These are the AECOM report entitled ES Volume II - Non Technical Summary & Figures, and in respect of noise ES Volume II - Figures 11.1 to 11.9 and in respect of air quality, ES Volume II - Figure 5.1, 5.2 (Part 1 of 2) and 5.2 (Part 2 of 2) (listed as Document (P15a to 15c) in the "List of Documents" at Chapter 16 of this Statement) and ES Volume III - Appendix 5.1 - Air Quality Monitoring Technical Note (listed as Document (P16) in the Statement of Case and Documentation list (Item P3) available at <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/north-and-east-melton-mowbray-distributor-road-scheme/statement-of-case-and-documentation-list>

2.1.6. The County Council has offered to provide an earth bund between roundabout 6 and Mr Henderson's property. Due to levels at this point, the top of the bund would be approximately 3.1 to 4.6 metres above the road level at the roundabout. The bund would also include landscape planting and is expected to provide significant benefit in terms of screening the property from headlights of turning vehicles. Mr Henderson has accepted the proposal for the bund which, subject to the Council's approval, will be incorporated into the final landscaping plans submitted to discharge condition 8 on the planning consent. However, Mr Henderson does not believe that the introduction of the bund will resolve the problem fully.

2.2. Response to the landowner not being consulted at an early stage prior to submission of the Planning Application for the scheme, and responses were not given to emails raising objections and concerns during planning.

2.2.1. The County Council conducted a public consultation on the scheme proposals in late 2017. As part of this process, Mr Henderson submitted comments. Due to an oversight, a response was not given to these comments, however they were appropriately recorded and formed part of the consultation analysis and subsequent decision-making process.

2.2.2. Mr Henderson attended the planning drop-in session in 2018 having received formal notification of the event given his proximity to the scheme. Mr Henderson

raised a number of concerns following which Martyn Glossop (Scheme Engineer) and Andy Jackson (then LCC Project Manager) met Mr Henderson on site, apologised for the earlier oversight responding to matters raised in 2.2.1 and discussed his concerns in full, recommending that they were also submitted formally to the planning authority.

2.2.3. Mr Henderson submitted a formal response to the planning application for the scheme which was responded to and considered by the County Council in its role as the Determining Authority for the Planning Application for this scheme.

2.2.4. Mr Henderson raised an Objection to the proposed SRO/CPO when advertised. There have been subsequent meetings with Mr Henderson, as well as a formal response detailing the County Council's position in relation to the specifics of his objection. This response reiterated the County Council's apology for the oversight of not responding to his initial comments.

2.2.5. There has been further dialogue with Mr Henderson in recent months, seeking to address his concerns and around the detail of the proposed earth bund to help mitigate these concerns.

2.2.6. It is the Council's position that the views of Mr Henderson have been appropriately addressed, and that the formal planning process considered these.

2.3. Response to the position of Roundabout 6 is too close to his property.

2.3.1. The location of the roundabout has previously been discussed with Mr Henderson and was addressed in our formal response (LCCR013). Key points from this response are included and expanded upon in paragraphs 2.3.2 to 2.3.4 below.

2.3.2. The route of the scheme and consequently the location of the roundabout is principally influenced by the Options Assessment Report 2016 and its refresh in 2017 (SAD1 and SAD2 respectively) that examined the merits of various routes around Melton Mowbray for the distributor road, and the subsequent publication of a Preferred Route (SAD8). The North and Eastern route was considered to be the most suitable given, in part, that it addressed the majority of through traffic movements across Melton Mowbray and provided the greatest benefits. This is the main reason for the roundabout being located here, serving as an interface with the A606 Burton Road and allowing through traffic to bypass the town centre.

2.3.3. As discussed at our meeting in 2019 with Mr Henderson, the roundabout has been located online at Burton Road to connect into the local road network and the proposed future development site that forms part of the Southern Sustainable

Neighbourhood. This enables the greatest advantage to be obtained by linking into existing road network. It has been designed to meet all applicable standards through following guidance in the Design manual for Roads and Bridges (TG1) and provide a safe provision. The detailed positioning of the roundabout is further governed by constraints, including scheduled monuments and adjacent properties.

2.3.4. Moving Roundabout 6 a short distance will have no material effect on noise and air quality impacts and would likely require the roundabout to be enlarged to meet design standards (see 2.3.3) due to the change in spacing between the roundabout arms. 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 (See 2.1.5 above for details of air quality assessment).

2.4. Response to the request for LCC to provide a new dropped kerb access to his property to serve a building plot within his land.

2.4.1. The existing Private Means of Access to/from the public highway and Mr Henderson's property is not affected by the scheme.

2.4.2. The Council is not aware of any planning consent for a building plot within the boundary of Mr Henderson's property and no application is recorded via the Melton Borough Council Planning website. As such, there is no justification for providing a new access at the present time. Additionally, the County Council do not have the powers under the SRO to create unnecessary accesses, only to address matters relating to existing access that is impacted by the scheme.

2.4.3. If a planning application for development did come forward and was approved prior to implementation of the Orders, then this would be discussed further with affected parties and amendments made to the scheme if necessary, ensuring that access is maintained.

2.5. Requests details/discussion of boundary treatment between his property and the NE MMDR, including fencing and tree removal.

2.5.1. It is the intention that some vegetation may be cleared on the highway side of the boundary to maintain visibility requirements for vehicles exiting Mr

Henderson's property. A footway will be constructed within the existing verge. There are no works being carried out within Mr Henderson's property..

2.6. Response to concerns that that MMDR earthworks will damage the soak away and filtration system from his property. Requests LCC consider connecting his property to mains sewerage system as part of the scheme in order to alleviate potential damage.

2.6.1. There are no proposals to carry out any works within Mr Henderson's property therefore it is not anticipated that there would be any damage to his soak away and filtration system caused by the implementation of the scheme.

2.6.2. Any works in the vicinity of his property will be carefully carried out to ensure that no damage is caused to private land and the contractor will liaise with the landowner. Any damage would of course be subject to a compensation claim.

2.6.3. Given the above, there is no justification for providing a private sewer connection at public expense, as the existing system will not be impacted by the scheme.

2.7. Council conclusions on the objections raised.

2.7.1. The Council is satisfied that the location of Roundabout 6 is justified and that the air quality and light pollution impacts on Mr Henderson's property will be minimised as far as possible, particularly given the addition of the earth bund (with planting) and the level of the road below this.

2.7.2. The Council is also satisfied that Mr Henderson's views have been appropriately considered, particularly as part of the formal planning process and there has been ongoing engagement.

2.7.3. The other matters raised by Mr Henderson have been appropriately considered and addressed as above.