

**CABINET – 6 JULY 2018****NORTH AND EAST SECTIONS OF THE MELTON MOWBRAY  
DISTRIBUTOR ROAD PROPOSALS****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of progress with the delivery of the north and east sections of the Melton Mowbray Distributor Road (MMDR), notably the success of the bid to the Department for Transport's (DfT) Large Local Majors Fund, and to seek approval to submit a planning application for the north and east section of the MMDR, in accordance with the Preferred Route.
2. As part of this process, the report also seeks approval for the Director to make and implement Compulsory Purchase Orders (CPOs) and Side Roads Orders (SROs) which will be necessary to develop the route.
3. This report also sets out issues to be considered further during the next stage of work on the project, notably the funding arrangements and the assessment and mitigation of environmental impacts arising from construction of the road.

**Recommendations**

4. It is recommended that:
  - (a) The progress with regard to the MMDR scheme development be noted, in particular:-
    - (i) Agreement of the Preferred Route by the Director of Environment and Transport, following consultation with the Lead Member, which will be used as the basis for continuing work;
    - (ii) The award of £49.5m from the DfT Large Local Majors Fund; and,
    - (iii) The latest cost estimate of £63.5m for the scheme, which will form the basis for the planning application;
  - (b) The Director of Environment and Transport be authorised to submit a planning application for the north and east section of the MMDR in accordance with the Preferred Route;
  - (c) That the Director of Environment and Transport and Director of Corporate Resources be authorised, in consultation with the Director of Law and

Governance and following consultation with the relevant Cabinet Lead Members, to:-

- (i) Agree minor alterations to the scheme that may arise as a consequence of detailed design work;
  - (ii) Continue discussions with landowners and other stakeholders, with a view to reaching voluntary agreement over the purchase and/or reservation of land for the northern and eastern sections of the MMDR where possible and,
  - (iii) Take all necessary steps to make, confirm and implement Compulsory Purchase Orders and Side Roads Orders associated with the scheme pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981;
- (d) That it be noted that further reports will be submitted to the Cabinet on progress with the scheme, including following the consideration of the planning application (expected early 2019).
- (e) That the Director of Corporate Resources be authorised to sign the Memorandum of Understanding (MOU) between the County Council and Melton Borough Council (MBC), which sets out the financial arrangement for funding the local contribution to the scheme.

### **Reason for Recommendations**

5. Submission of a planning application in the summer/autumn of 2018 will allow the scheme to progress to the deadlines indicated by the DfT, with a construction start date of summer 2020.
6. The MMDR alignment is now fixed as the Preferred Route but minor alterations to the scheme may be required through the detailed design and planning process.
7. Wherever possible, the acquisition of land and rights will be conducted by negotiation and agreement with landowners. However it is likely that the Compulsory Purchase process will be critical to acquiring land for the scheme delivery, and Side Roads Orders will enable the Authority to make alterations to roads or rights of way which would otherwise affect the route.
8. Authorising chief officers to proceed with the various actions set out in recommendation (c) will enable the work to progress in accordance with the DfT timetable, with construction commencing 2020. Notwithstanding this, any significant changes or issues would be the subject of reports to Members.

### **Timetable for Decisions (including Scrutiny)**

9. The Environment and Transport Overview and Scrutiny Committee will consider this report on 28<sup>th</sup> June 2018 and its comments will be reported to the Cabinet.

10. Submission of the planning application is expected to take place in September. The planning determination period is 16 weeks, so a decision would be expected by late December 2018/early January 2019.
11. Preparation of Statutory Orders - Compulsory Purchase and Side Roads - is planned to take place between August and October of 2018, with the Orders being made in early 2019.

### **Policy Framework and Previous Decisions**

12. The Cabinet has received a number of reports in recent years on the transport strategy for Melton Mowbray and development of a distributor road. In May 2016, it was agreed to undertake the necessary consultation and negotiations to enable a preferred route to be identified.
13. At its meeting on 12 December 2017, the Cabinet noted the outcome of consultation on the proposed northern and eastern route of the MMDR and further work that had been undertaken to develop the Outline Business Case (OBC). The Cabinet reaffirmed its earlier decision to prioritise the northern and eastern sections of the MMDR, approved the 'recommended route' for further development and consultation, and agreed to commit funding to submit the planning application and to carry out all further necessary work to prepare the scheme for construction - subject to the necessary processes being completed. The Cabinet authorised officers to carry out various activities including continued dialogue with landowners and other stakeholders, acquiring land by agreement, and preparatory work for use of CPOs.
14. In view of the extremely tight timescale, the Cabinet authorised the Chief Executive to approve and submit the OBC to the DfT by 22 December 2017. The Director of Environment and Transport was authorised to undertake further engagement and consultation arising from any changes/ improvements to the recommended route arising from detailed design work and feedback and to agree the 'Preferred Route' for planning and acquisition purposes.
15. It was noted that a further report would be submitted to the Cabinet prior to the submission of the planning application.
16. Pursuant to the above Cabinet decision, the 'Preferred Route' for the north and east section of the MMDR was agreed by the Director on 8<sup>th</sup> May, following consultation with the Cabinet Lead Member. Following development of a route plan suitable for release and announcement of the success of our Large Local Majors Funding, landowners directly affected by the route were informed by letter or email on the 8<sup>th</sup> June and County Councillors were advised via a "Members News in Brief" item.
17. As detailed in previous reports on the matter, the development of the MMDR is consistent with a number of the Council's plans and policies. This includes -
  - The third Leicestershire Local Transport Plan (LTP3), which contains six strategic transport goals, of which Goal 1 is to have a transport system

that supports a prosperous economy and provides successfully for population growth.

- The Council's Enabling Growth Action Plan, which supports the development of market towns for employment land as a priority, and refers specifically to working with MBC to plan for Melton Mowbray's growth.
- The Melton Mowbray Transport Strategy (MMTS), which recognises the need to support the town's strategic growth through transport investment.

### **Resource Implications**

18. The total cost of the north and east section of the MMDR scheme is currently estimated to be around £63.5m, including further development costs and project development and construction risk, of which £49.5m has now been awarded by the DfT from the Large Local Majors Fund.
19. In broad terms, the financial exposure for the County Council is in the region of £14m. It is expected that this will be recouped in later years through developer contributions. However, given the demands on the Authority's finances, an initial agreement has been reached with MBC to develop a mechanism for cash flowing the investment, initially through a process of tax increment financing from the growth in business rates, council tax and new homes bonus received by the County Council and MBC as a result of investment in the new road. A draft Memorandum of Understanding has been developed and similarly the exact nature of the financial agreement, in terms of how the level of contribution from each party will be decided, is being progressed.
20. The estimated cost to take the scheme through design to the point of being able to commence construction work is £4.2m. The risk element of this cost is in the region of £670,000 and includes project design and construction risks.
21. As with all major schemes there is a likelihood of cost overruns. Although the work completed to date seeks to estimate as accurately as possible the scheme cost, the funding agreement with MBC will also need to address this (see paragraphs 125 to 126 of Part B below for more detail). It should be noted that no additional funding will be available from the DfT over and above the £49.5m.
22. The Director of Corporate Resources has been consulted on the content of this report.

**Legal Implications**

23. Wherever possible, the acquisition of land and rights will be conducted by negotiation and agreement with landowners but it is expected that the Compulsory Purchase process pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981 will be critical for timely procurement of the land and rights along the route.
24. The Director of Law and Governance has been consulted on the content of this report.

**Circulation under Local Issues Alert Procedures**

25. A copy of this report has been circulated to Members representing the electoral divisions in the Melton area - Mr. J. T. Orson CC, Mr. A. E. Pearson CC, Mrs P. Posnett CC, and Mr. J. B. Rhodes CC.

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## **PART B**

### **Background**

26. This report follows on from the paper that was considered by the Cabinet on 12 December 2017. The development of a Transport Strategy for Melton Mowbray (MMTS) and investment in this was agreed by the Cabinet in 2015, since when members have received several reports on the development of an outer relief road (now termed distributor road) for the town.
27. Transport assessments for Melton Mowbray indicated the following problems, that could potentially be addressed by a strategic highway intervention:-
- Highly significant levels of congestion;
  - High levels of Cross-Town and through traffic with very limited route options;
  - HGV movements through the town centre;
  - Limited opportunity to enhance public transport and walking/cycling; and,
  - Constraints to jobs, housing delivery and economic growth.
28. The emerging MMTS indicated that low-cost measures would not be sufficient to manage Melton's planned growth and that major transport infrastructure was required. In May 2016 the Cabinet agreed to undertake the necessary consultation and negotiations to identify the route for an outer relief road. This is one element of the MMTS which continues to be developed.
29. Recognising that it would not be possible for the County Council to fund such a scheme, discussions took place with the DfT in early 2017 regarding the likelihood of funding being available from the Large Local Majors Fund. It was indicated that schemes demonstrating an effort to accelerate delivery with a likely construction start date of early-mid 2020 would be looked upon favourably by the DfT. In March 2017, in order to progress the scheme within the suggested timescales, the Cabinet authorised the Director of Environment and Transport to undertake necessary work on the Outline Business Case, and in December to take various actions to progress the scheme.

### **Melton Local Plan**

30. The MMDR is a key component of MBC's emerging Local Plan. The Plan expresses the importance of an "Eastern Distributor Road" as "essential infrastructure". Following the Plan's Examination in Public in February of this year, the independent planning inspector appointed to consider the Plan's 'soundness' has proposed a number of modifications, but none of the modifications have any apparent implications for the delivery of the north and east sections of the MMDR. Whilst the Inspector has yet to issue the final report MBC has advised that it is confident that the Plan could be adopted later this year. This would be another important step in securing the delivery of Melton Mowbray's future growth.

### DfT Large Local Majors Fund Bid

31. As indicated previously, the Council has been working to a very tight timescale set by the DfT in order to maximise the chances of receiving Large Local Majors funding. This has required significant financing from the Council's capital programme in the meantime, aided by a commitment from MBC to help mitigate the risk to the Authority. The County Council was therefore extremely pleased with the announcement by the DfT on 17 May of the £49.5m towards the construction of the northern and eastern section of the MMDR.
32. The news is a very significant step forward for the delivery of the north and east sections of the MMDR. However, there is still substantial work required in 2018 in order to secure planning permission and, in all likelihood, to make and implement the necessary statutory orders.

### The MMDR

33. The following paragraphs summarise the work which has been undertaken on the development of the route up to 8 May when the Preferred Route was agreed.
34. The MMTS includes the overarching concept of an MMDR comprising:-
  - (a) A **northern** section from the A606 Nottingham Road to Melton Spinney Road;
  - (b) An **eastern** section from Melton Spinney Road to the A606 Burton Road; and,
  - (c) A **southern** section from the A606 Burton Road to the A607 Leicester Road.
35. This report covers only the northern and eastern sections, and it is only these sections that were included in the Large Local Majors funding bid. (A business case is being prepared for the southern section as part of a bid to the Government's 'Housing and Infrastructure Fund').
36. Collectively, the three sections of the MMDR effectively form an inverse 'C' shape around Melton Mowbray, as illustrated in Figure 1 below.

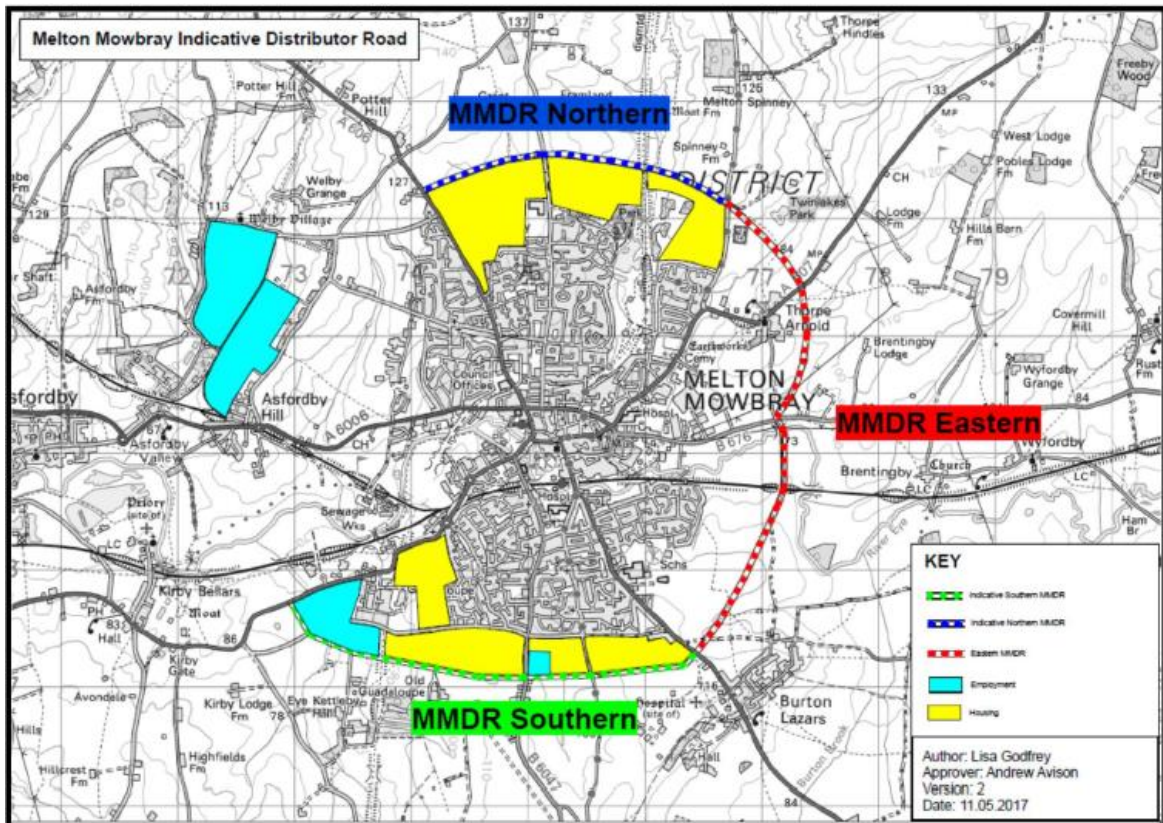


Fig. 1 Development of the MMDR overarching concept

### The Preferred Route

37. Following the Cabinet's decision in May 2016 to proceed with an outer relief road a 'recommended route' for the north and east sections was developed. This was included in the Outline Business Case submitted to the DfT (December 2017). It was noted that this might be modified following detailed design work and further consultation and, given the tight timescale, the Cabinet agreed that the Director of Environment and Transport would approve the 'Preferred Route' for planning and land acquisition purposes (paragraph 14 above refers).



38. Figure 2 below shows the Preferred Route (shown in black), much of which is unchanged from the 'recommended route' (shown in green). Detailed sections of the proposed route and typical cross-sections are illustrated in Appendix A.

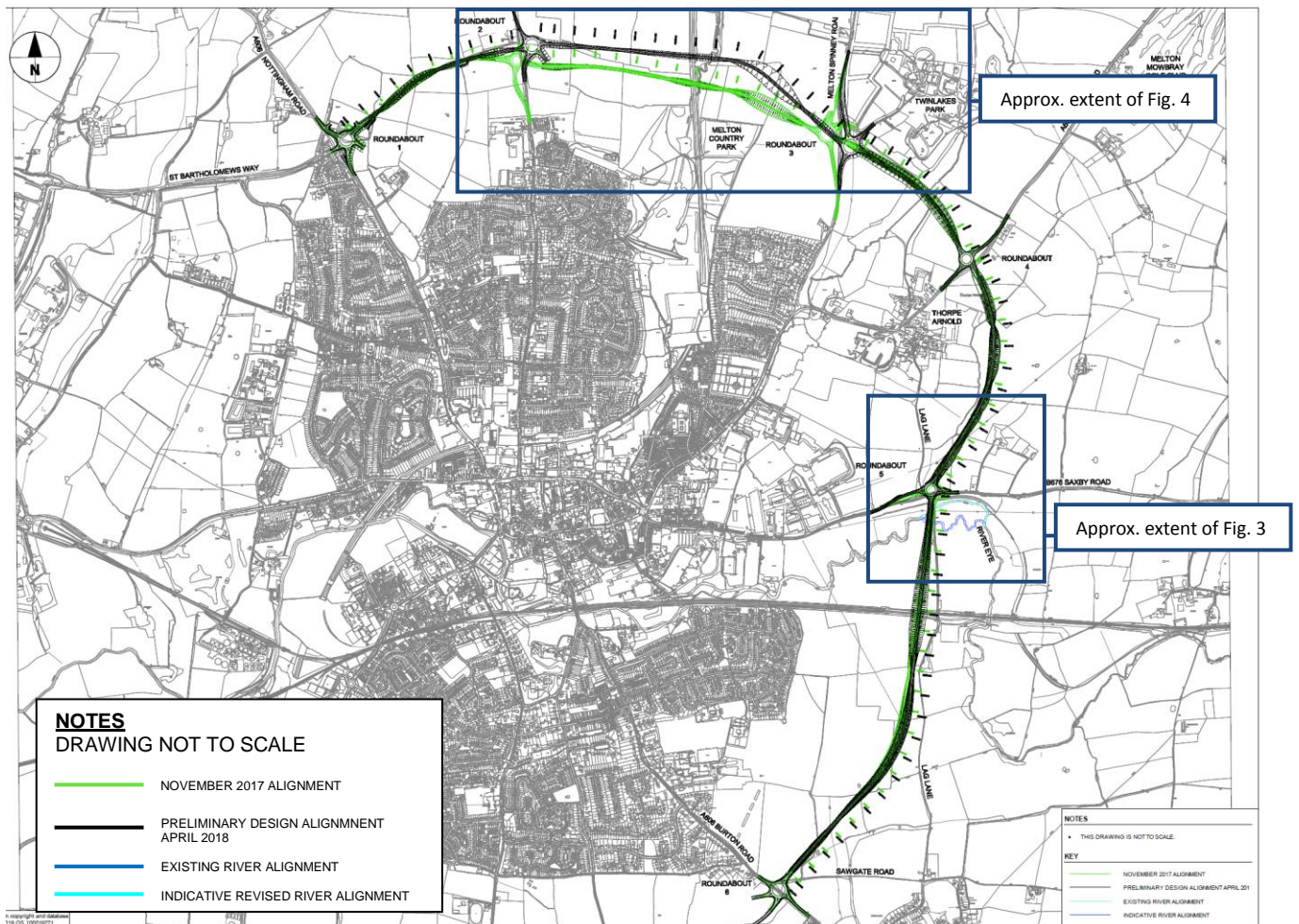


Fig. 2 The Preferred Route (black) over recommended route (green)

39. The Preferred Route remains a 4.3 mile single carriageway which passes to the north and east of Melton Mowbray. The design includes a 3m wide cycle/footway along the route positioned on the side nearest to the town. The proposed route begins on the A606 Nottingham Road to the north of the town, crossing Scalford Road, Melton Spinney Road, the A607 Thorpe Road and B676 Saxby Road, before re-joining the A606 Burton Road to the south of the town. Speed limits would be 40mph between the A606 Nottingham Road and Melton Spinney Road and 60mph between Melton Spinney Road and A606 Burton Road.

#### Changes to the route since December 2017

40. The Authority carried out further engagement and consultation on the 'recommended route' in late 2017/early 2018, with:-
- Natural England and Environment Agency, regarding the crossing of the River Eye Site of Special Scientific Interest;

- Developers of the NSN, regarding land between Scalford Road and Melton Spinney Road; and,
- Landowners and farmers, concerning access and farm business.

41. As a result of this, the Preferred Route and design has been amended at two locations, detailed below.

(1) Crossing of the River Eye Site of Special Scientific Interest (SSSI).

42. The River Eye is a 6 hectare (15 acre) biological SSSI covering a stretch of the River Eye between Ham Bridge, north-west of Stapleford, and the eastern outskirts of Melton Mowbray. The importance of this statutorily protected site for conservation means that careful consideration has been given to reduce the impact of the road.
43. The Council has worked with Natural England and the Environment Agency to agree an approach to the crossing and the proposals have been discussed with neighbouring landowners and Historic England. In addition to the presence of the River Eye, options for the road design around Saxby Road have been particularly constrained by the presence of two sets of overhead power cables, nearby dwellings and a brook.
44. As shown in Figure 3 below, the road alignment and roundabout have not substantively changed from the recommended route; the alignment has moved approximately 15 metres to the west at the location near to Saxby Road in order to reduce the impact on nearby properties to the east of the proposed route. Moving the alignment further west than this would increase the proximity to Thorpe Arnold. Moreover, the alignment is currently in a cutting; moving the Preferred Route further west would result in the road being on embankment with resulting potential noise and landscape impacts on nearby properties.
45. The main change at this location has been in the approach to bridging the River. Construction costs set out in the Outline Business Case included an element for the moving of overhead powerlines in order to allow construction of the bridge. It is now proposed to realign the River Eye, negating the need to move the powerlines. This will be subject to further discussion with Natural England and the relevant landowners. A Natural England public consultation would be required as part of any scheme proposing modifications to the SSSI.
46. The change was made on the basis that:-
- a) The roundabout would be further from the River, lessening the effect of the associated lighting and road disturbance on the ecology of the SSSI. In addition, from an ecological perspective, the diversion presents opportunities for mitigation and enhancement that the other options may not. This has been acknowledged by Natural England and the Environment Agency supports this option in principle.

- b) It enables the construction of the new bridge away from the overhead power lines, presenting significantly lower health and safety risk than other options considered at this location; and,
- c) Not having to move the power lines significantly reduces cost, as highlighted in the technical report.

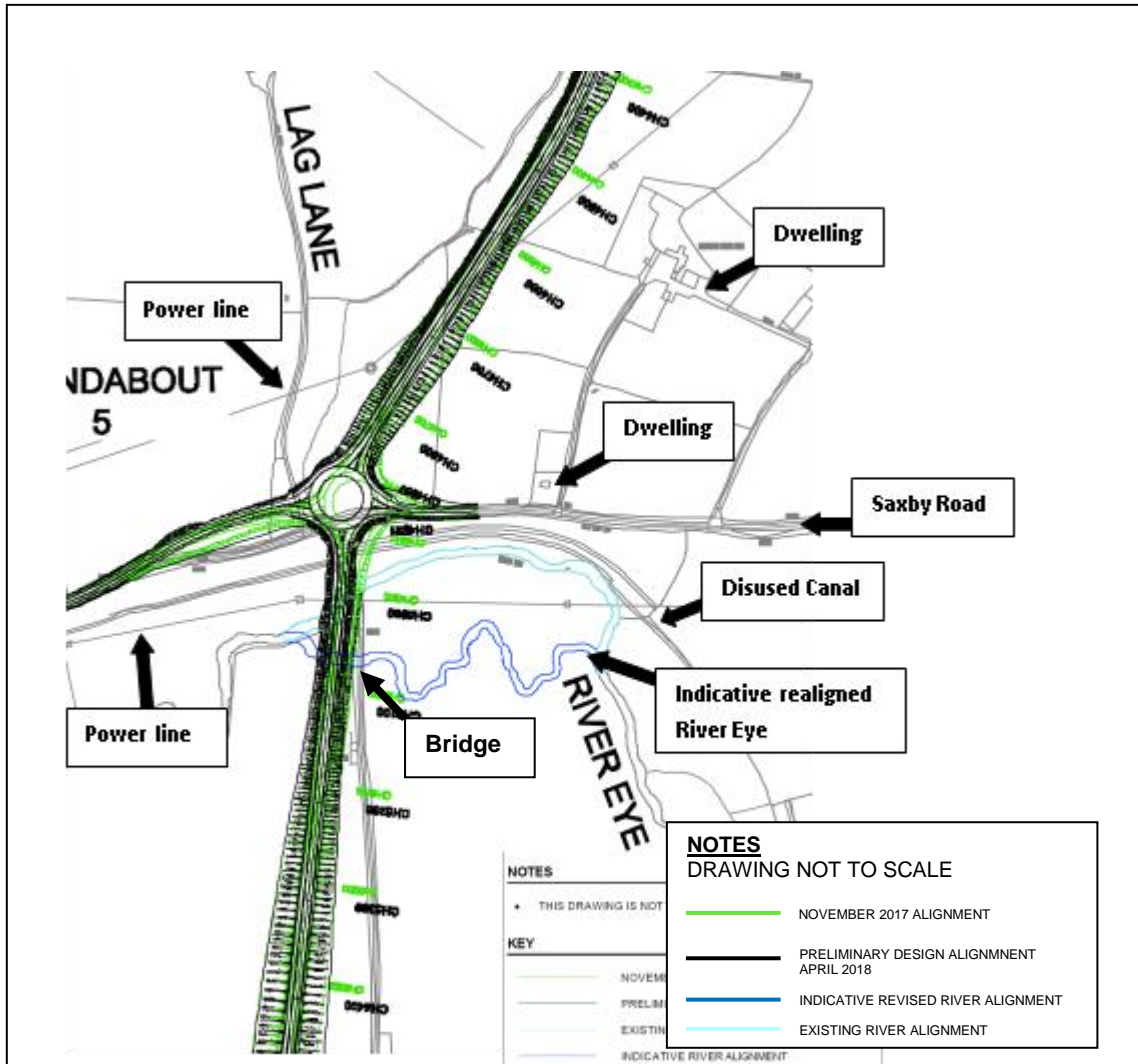


Fig. 3 Option C (black) over recommended route (green) and indicative realignment of River Eye SSSI

## (2) Alignment between Scalford Road and Melton Spinney Road

- 47. As stated previously, the MMDR scheme is a key element of the MMTS and Melton Local Plan, with associated developments contributing to funding of the Melton Mowbray Distributor Road. It is therefore critical that the design of the road does not hinder the achievement of housing growth set out in the Local Plan.
- 48. Concerns were raised by the developers of the NSN about the impact of the recommended route alignment and the position of the Melton Spinney Road and Scalford Road roundabouts on the housing allocation presented in the Melton Local Plan. Following dialogue with the developers, the route has been

amended as illustrated in Figure 4 below, with the proposed road alignment between the roundabouts at Scaford Road and Melton Spinney Road moved approximately 150m to the north.

49. As well as minimising the impact on the NSN, this change moves the road further away from existing properties at the edge of the town and Melton Country Park.

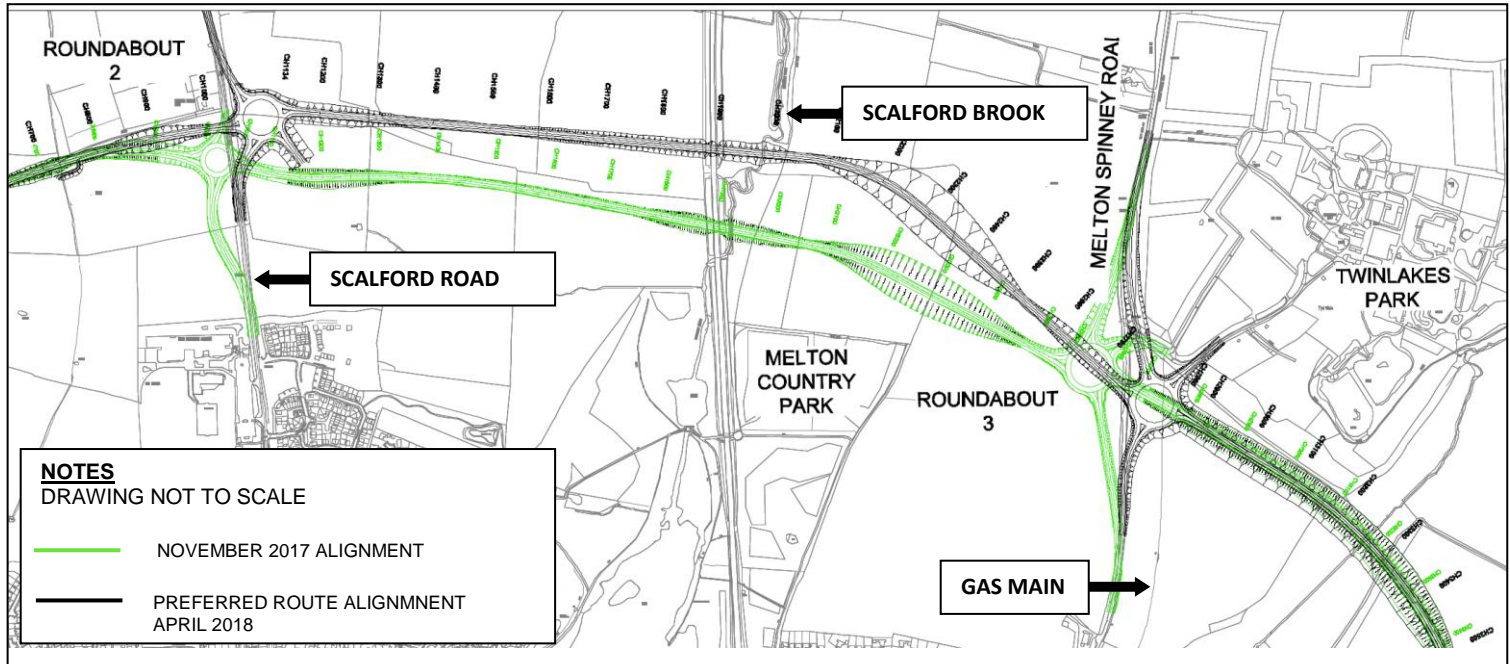


Fig. 4 Realignment and repositioning of roundabouts at Scaford and Melton Spinney Road

50. The position of the Scaford Road roundabout (green) has moved north (black) and to the east of Scaford Road, reducing the effect on the masterplan for development to the west of Scaford Road. The roundabout at Melton Spinney Road has been moved to the east of Melton Spinney Road (outside the area identified for housing development).
51. The developers of the NSN have expressed a preference for a route that follows the line of the Local Plan allocation, as shown in Figure 5 below (orange alignment). However, this would require the route to cut through a large proportion of the Twinlakes theme park, leading to significant adverse impacts and probable substantial CPO costs. The location of the indicative Distributor Road for the NSN can be found on page 41 of the Melton Local Plan at <https://www.meltonplan.co.uk/>



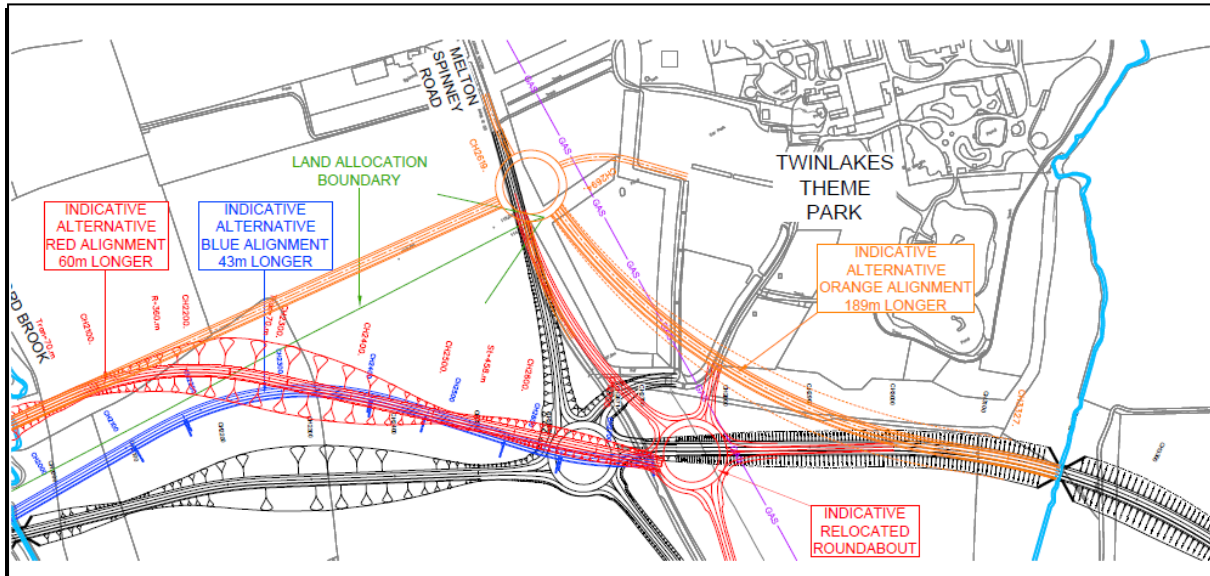


Fig. 5 Developer proposed realignment (orange route) and impact on Twinlakes

### Other Issues

52. The line of the disused Oakham Canal closely follows Saxby Road at its intersection with the proposed route of the MMDR, before heading south, mirroring the line of the River Eye. The Canal was constructed in 1802 but was closed after only 45 years, in part due to an inadequate water supply. The line of the Canal is now severed at a number of locations, making restoration of the entire route unlikely.
53. The Melton and Oakham Waterways Society wish the road proposals to include a bridging of the line of the Canal in order to accommodate any future plans for restoration. It has not been possible to accommodate this due to other constraints, including the presence of powerlines, increased adverse impact on the River Eye SSSI, and disturbance of potential archaeological deposits in the floodplain.

### Cost Implications of the Changes

54. The effect of the above changes on construction costs is estimated as follows:-
  - Increased length of the road (60m), with an estimated cost of £220,000.
  - Reduced River Eye bridge span than was costed for the OBC, giving an estimated saving of between £200,000 and £400,000.
  - Removal of the need to divert power lines, saving an estimated £2m.
55. The overall saving on the costs outlined in the Business Case is thus potentially in the order of £2.2-£2.4m.

### **Next Stages in the Project**

56. Subject to the Cabinet's approval, the next steps will include the submission of the planning application and the acquisition of land necessary for the new route. This is outlined below, as are associated issues of blight notices, procurement, design work and funding arrangements.

#### **Planning Application**

57. To date, the scheme has undergone the preliminary design process. The next stage will be to progress detailed design and alignment. The final detailed route will only be confirmed via the planning application process. It should be noted that this may result in minor changes to the scheme's design.
58. Under Regulation 3 of the Town and Country Planning Act the planning application for the Preferred Route will be considered by the County Council's Development Control and Regulatory Board. As indicated in Part A of the report, it is intended that the application will be submitted in September. In accordance with the usual planning process the application would be subject to further public consultation as well as being submitted (by officers from the County Planning Authority) to statutory consultees such as the Environment Agency, utility companies, and MBC.
59. As part of the application, a full package of documents will be submitted to the County Planning Authority, including:-
- (a) Location plan;
  - (b) Site Plans/ General Arrangement drawings;
  - (c) Typical Cross Sections;
  - (d) Landscaping Plans;
  - (e) Statement of Community Engagement;
  - (f) Flood Risk Assessment;
  - (g) Human Rights and Equality Impact Assessment; and,
  - (h) Construction Traffic Management Plan.
60. All of the planning documents will be available on the County Council's website at <http://leicestershire.planning-register.co.uk> when the application is submitted.

#### **Land Acquisition**

61. The northern and eastern sections of the MMDR will require the acquisition of third party land, the costs associated with which are accounted for in the latest scheme estimate.
62. All efforts will continue to be made to acquire land by negotiation but where necessary, preparations will be made for use of appropriate statutory processes including the use of CPOs. CPOs are used when land cannot be purchased by agreement, to enable acquiring authorities to carry out a function/actions which is in the public interest.

63. Any necessary CPOs and Side Road Orders would be implemented following approval of the planning permission. If objections were raised by the landowners, the Secretary of State would decide if a Public Inquiry should take place and if the Orders should be confirmed. This possibility has been taken into account in the scheme's programme.

#### Blight and Discretionary Purchase

64. 'Blight' in this context refers to the reduction in value of a property asset as a consequence of large scale or major public work and the inability of an owner to sell their property at market value as a result. Statutory blight is normally triggered following the announcement of a Preferred Route by a Highway Authority, which in this case took place on 11 June 2018. It affects those properties which are required for the road scheme either in their entirety or may be affected to the extent that they are unsaleable (i.e. it can include property other than that directly required to construct the route). The owners must show that they have made reasonable attempts to sell but are unable to, or unable to do so except at a price substantially below market value.
65. The risk of blight has been assessed as low in this instance, in part due to efforts made to limit the impact of the scheme on properties. The land the proposed route runs through is agricultural and its viability will be sustained by ensuring access to severed fields. The line of the MMDR between Nottingham Road and Melton Spinney Road runs largely along the northern boundary of the Northern Sustainable Neighbourhood (NSN) housing allocation area set out in the Melton Local Plan. The MMDR helps to remove constraints to growth in Melton Mowbray and is therefore of benefit to landowners wishing to develop their land for housing. For this reason and because of the ongoing communication with developers of the NSN it is considered that blight will be avoided at this location.
66. The Council may accept a blight notice or reject it and serve a counter-notice. If the Authority and landowner cannot agree, the issue will be considered in an 'Upper Tribunal' (a court) and, if necessary the Tribunal will make a judgement.
67. Although the risk is relatively low, blight notices may be submitted before the funding is in place, in which case the cost of successful claims would initially be borne by the Authority.
68. In the event that a property owner cannot legally qualify for the protection of the blight provisions but may still suffer hardship because the enjoyment of the property is seriously affected, the Authority may in certain circumstances use discretionary purchase powers given by the Highways Act 1980 to acquire property by agreement.

#### Procurement for Design and Construction

69. As is usual with major projects, the Council will engage professional services to progress design and environmental and planning work. This will continue to be delivered in collaboration with the County Council, and AECOM (the consultants assisting with the project) leading through the Professional Services Partnership

2 (PSP2), a framework contract available to local authority members of the Midland Highways Alliance. It is intended to deliver the construction phase through the MHA Medium Scheme Framework.

### Delivery and Funding

70. The total cost of the north and east section of the MMDR scheme is approximately £63.5m, including further development costs, of which circa £49.5m will be met from DfT funding; meaning that in broad terms the financial commitment from the County Council will be in the region of £14m. A breakdown of costs estimate produced in December 2017 is available in the Outline Business Case presented on the Scheme webpage at <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/melton-mowbray-distributor-road-scheme>. It is expected that the £49.5m from the DfT would be provided following its approval of the Full Business Case, programmed for early 2020.
71. As referenced in Part A of this report, £4.2m further funding is required to complete scheme design/preparatory work, including discharging planning conditions, continuing with detailed design, dealing with land issues and Side Road orders, liaising with partner/stakeholder organisations, and project-managing the ongoing development of the scheme to 'shovel ready' stage.

### Timetable

72. The current timetable for further work is set out below:-

- Detailed design (May 2018 onwards);
- Preparation of CPO and Side Roads Orders (begin summer 2018);
- Submission of planning application (September 2018);
- Determination period for planning application (16 weeks);
- MOU is signed by LCC and MBC (Winter 2018)
- Making of CPO and Side Roads Orders (November/December 2018); and,
- Possible objection and public inquiry period (December 2018 to early 2020).

And, subject to the above and all other necessary processes:-

- Procurement begins - June 2019;
- Approval of Full Business Case by the DfT, and release of funding (Spring 2020)
- Land acquisition March 2020;
- Contract award May 2020;
- Construction begins (summer 2020); and,
- Construction end (summer 2022).

73. Further reports will be submitted as necessary and members will be kept informed of progress with the project.



### **Environmental Impact and Proposed Mitigation**

74. The Natural Environment and Rural Communities Act (2006) sets out local authorities' duty to give regard to conserving biodiversity as part of policy or decision-making. This includes identifying ways to integrate biodiversity when developing infrastructure such as roads. Additionally, there is a statutory basis for planning to seek to minimise impacts on biodiversity through the National Planning Policy Framework. The Framework is clear that pursuing sustainable development includes a core principle for planning that it should contribute to conserving and enhancing the natural environment and reducing pollution.
75. The Council's Environment Strategy (the subject of a separate report on the agenda for this meeting) sets out the vision, aims, objectives and targets which will be used to drive improved environmental performance. The Strategy introduces key areas on which to focus, including biodiversity and habitats, climate change, and community and well-being.
76. The environmental impacts of the MMDR and mitigation of these will be considered in detail as part of the planning application, in an Environmental Statement . The paragraphs below set out the proposed approach to minimising negative impacts and ensuring any opportunities for positive effects on the environment are promoted. This work is supported by substantial survey and investigation work conducted on behalf of the Council. A map showing environmental constraints is presented in Appendix B and a full appraisal of potential impacts and associated mitigation can be found at Appendix C.

### **Ecology**

77. In 2017, AECOM (consultants engaged by the Council for the project) conducted phase 1 habitat surveys which have informed the Preliminary Ecological Appraisal. Detailed species surveys have taken place over the past few months, the results of which will inform the Environmental Statement and proposed mitigations.
78. As the proposed route would have to cross the River Eye SSSI and because of flooding issues in the vicinity, the Environment Agency and Natural England have been engaged as statutory consultees.
79. In addition to the SSSI, there are also a number of protected species, non-statutory wildlife sites, and a range of habitats of interest. Melton Country Park is a site of particular importance for both wildlife and the local community and although the alignment of the road has moved further away from the Country Park, mitigation will need to be given careful consideration.
80. Potential negative impacts have been identified as the loss, fragmentation and degradation of habitats along the proposed route as well as direct impact on specific species. The design of the route may also however offer opportunities such as improvements to existing habitat and the introduction of natural flood management techniques.

81. Detailed mitigation, compensation and enhancement will be delivered across the wider River Eye SSSI, including restoration to promote natural river processes, habitat creation to improve quality status and species assemblages and wider control of management processes where possible. A River Restoration Plan produced by the Trent Rivers Trust already exists for the River Eye giving a sound basis for consideration of mitigation. .
82. For other designated sites such as Melton Country Park and Scaford Brook Local Wildlife Site, best practice measures will be used to minimise impacts on connectivity or shading effects on river habitat, such as –
  - (a) Creation of artificial roost or nesting sites;
  - (b) Well-designed soft landscaping that maintains habitat connectivity and incorporates native plant species;
  - (c) Restoration of connecting freshwater habitats to enhance and secure long term viability of fish populations;
  - (d) Management and creation of hedgerows to promote biodiversity; and,
  - (e) Sensitive lighting to avoid illuminating foraging areas or light spill into habitats used by bats.

### Archaeology

83. A methodology for archaeological surveys of the proposed route was agreed with Council's Principal Planning Archaeologist in 2017. Ground investigation works have also been monitored by an archaeologist.
84. Initial results from the geophysical survey have shown a high potential for Romano-British activity, particularly in the northern section of the route. The archaeological potential of the route will be considered and appropriate evaluation and mitigation measures developed. A meeting has taken place with Historic England and LCC planning archaeology to discuss The initial survey results and further survey work necessary has been discussed with Historic England and the Council's archaeology team.
85. Three scheduled monuments lie within the study area -St Mary and St Lazarus Hospital, the Moated Grange at Spinney, and Sysonby Grange. However, these are all located more than 300m outside the line of the road and are not expected to experience any significant effect.
86. There is the potential for the development to negatively affect the setting of designated heritage assets. . A photomontage has been requested of the view to the St Mary and St Lazarus Hospital from the location of roundabout 6 (shown on fig. 2 above).
87. Consideration will be given to detailed design elements such as signage and street furniture along the route with a view to the setting of designated assets.
88. Potential mitigation measures to address the possible effect on palaeoecological (floodplain) deposits relating to the palaeochannels that may be lost as part of the river realignment, have been discussed In the first

instance, existing data will be used to build up a picture of the known deposits and establish how large an area may be lost. The need for specialist boreholes and deposit modelling will then be determined and recording of the deposits and analysis of the palaeoecology will be undertaken at an appropriate time, likely post-planning consent.

### Noise and air quality

89. Air quality and noise investigations have taken place with particular regard to the impacts on residents living within 500m of the proposed route. Current noise levels and likely changes in noise post-construction will inform any proposed mitigations. Mapping has been produced and further monitoring will take place as the scheme progresses.
90. Air quality monitoring has taken place on arterial roads and at locations near residential properties close to the route from July 2017 to January 2018. This, in addition to MBC's NO<sub>2</sub> monitoring data within Melton Mowbray town centre and arterial routes, will be used in the air quality impact assessment and will be reported in the Environmental Statement. This information will also add to the body of existing baseline Air Quality data that MBC currently holds.
91. There are potentially negative and positive impacts on air quality and noise of the scheme, including reduction in pollutant concentrations and noise through the centre of Melton Mowbray but an increase along the extent of the scheme.
92. During construction of the standard best practice dust protection measures will be employed. Consideration will be given to the use of low noise surfacing within the scheme extents and noise barriers will be employed at certain locations, subject to engineering and landscape constraints. The use of noise barriers will need to be weighed against the potential visual intrusion in the rural landscape.

### Community Severance and Sustainable Travel

93. The scheme will involve some changes to existing public rights of way with potential diversions and loss of amenity during both construction and operation stages. The proposed route severs five Public Rights of Way (Footpaths) and mitigation measures are being explored.
94. The road would also sever agricultural land parcels, access to which is being considered in consultation with landowners and tenants. Farm Impact Assessments have been conducted by the Council's agricultural consultants.
95. The effects on the local community will vary throughout the different phases of the road's delivery. For example, during construction there is likely to be increased traffic congestion and more visual intrusion but after this journey times are predicted to improve.
96. The scheme design includes a 3m-wide combined cycle and footway along the entire length of the proposed route. Where Rights of Way have been severed,

the design will include provision for pedestrians to cross such as pedestrian refuges.

97. It is intended to stop up Lag Lane and Sawgate Road to vehicular traffic, with the exception of use by landowners who currently have field access. Access will remain for non-motorised users. The exact point at which these routes will be stopped up is to be determined in discussion with landowners and farmers. Environment Agency access to Bretingby Dam will be gained directly from a new access on the MMDR, through a locked gate.
98. Any open spaces which are permanently lost will be replaced; whilst any which are temporarily required during construction will be enhanced. Where community or private assets are permanently lost, re-provision will be made or appropriate compensation considered.

### Water Quality and Flood Risk

99. The route crosses several watercourses including the River Eye SSSI. Each crossing requires assessment for compliance with the objectives of the Water Framework Directive (WFD) which aims to protect and enhance the quality of the water environment. A WFD assessment conducted in consultation with the Environment Agency and Natural England has been undertaken in order to identify whether the proposed scheme has the potential to:-
  - (a) Cause deterioration of any waterbodies from their current status or potential; and/ or,
  - (b) Prevent future attainment of good status or potential where not already achieved.
100. At this stage, there is not sufficient design information to rule out risks to WFD objectives or SSSI classification, so recommendations are made for scheme designs and further (more detailed) assessments.
101. The scheme presents opportunities to improve watercourses through amending undersized culverts and to introduce natural flood management. However it may also result in new discharges of highway runoff to watercourses that may include dissolved and particulate pollutants (e.g. metals, hydrocarbons, particulates, de-icant salts etc.), and there may be an increase in volume and rate of surface water runoff (arising from a larger impervious surface) and raised flood risk.
102. Phased mitigation measures will be taken to avoid, minimise and reduce the risk of water pollution or the physical damage to water bodies. The proposed highway drainage network and attenuation ponds will be designed to provide treatment of runoff and retain large chemical spillages within the network.
103. Any loss of floodplain will be compensated for, flood relief culverts will be employed and attenuation ponds will be designed so as to not increase surface water flood risk.

### Health

104. Impact on health has been assessed through desktop study. Potential impacts include improvements to accessibility and active travel, better access to work and training, and enhanced linkages between communities improving social cohesion (noise and air impacts are covered in paragraphs 112-113).
105. Options to enhance the benefits of the scheme in relation to human health will be explored and outlined within the Health Assessment.

### Landscape and Visual

106. Landscape and visual impacts have been assessed through site and desk study. The study has identified potential positive and negative impacts, e.g. the loss of rural characteristics, reduction in perceived tranquillity within the rural fringe, and reduced traffic within the centre of Melton Mowbray that will improve local views.
107. Where possible, hedgerows will be reinstated with a view to maintaining and reinforcing the existing field patterns. Lighting will be minimised to that which is absolutely necessary and designed so as to reduce light spill. Where appropriate, screening planting will be employed.

### Geology and Soils

108. A comprehensive study including field survey work has been conducted into the geology and soils along the route. Potential risks include disturbance and release of contaminated soil, pollution of groundwater and surface watercourses.
109. A site-specific Construction Environmental Management Plan (CEMP) will minimise potential impacts, following current good practice guidance.
110. Surface water run-off will be controlled using appropriate drainage measures, including Sustainable Drainage options.

### Climate Change Adaptation and Mitigation

111. A greenhouse gas (GHG) assessment, sometimes referred to as 'carbon footprinting', has been undertaken to help identify climate change impacts. GHG assessments outline credible and robust methodologies for calculating GHG emissions and can inform the development of reduction improvement programmes. Potential impacts include a reduction in GHG emissions from vehicles on the traffic model area in the operational stage, production of GHG emissions embodied in construction products and disposal of any waste generated by the construction processes.
112. Mitigation measures include controlling surface water run-off using appropriate drainage, effective vegetation maintenance, and emergency preparedness

plans. Alternative materials with lower embodied GHG emissions will be specified and locally sourced where feasible.

113. Low carbon design specifications such as energy-efficient lighting and durable construction materials will be employed to reduce maintenance and replacement cycles.
114. A Construction Environmental Management Plan will be required from the selected construction contractor, to include a range of best practice construction measures.

### **Equality and Human Rights Implications**

114. An Equality and Human Rights Screening Report has been produced in order to understand the potential impacts, both negative and positive, on protected characteristic groups. AECOM are in the process of producing the full assessment. An early draft of the full EHRIA report has been submitted for comment from the Environment and Transport Departmental Equalities Group. The final full report will form part of the Environmental Statement that will be included in the submission of the planning application.
115. Initial assessment of impacts concluded there are potential impacts on younger people, older people, people with disabilities and low income/deprived groups. The full Equality and Human Rights Impact Assessment will be presented as part of the planning submission package
116. The screening highlighted a number of potential impacts both positive and negative for further investigation and these are highlighted in Appendix B.
117. Once further evidence has been collected, mitigation measures will be suggested to minimise or avoid potential negative impacts, in addition to recommendations for advancing equality of opportunity for those with protected characteristics. A monitoring plan will also be developed to ensure that impacts are monitored throughout the design and development of the proposed scheme, as well as through construction and operation stages.
118. Protocol 1, Article 1 of the Human Rights Act (the First Protocol) is associated with the protection of property/peaceful enjoyment of possessions and property. This has three elements to it:-
  - (a) A person has the right to the peaceful enjoyment of their property;
  - (b) A public authority cannot take away what someone owns; and,
  - (c) A public authority cannot impose restrictions on a person's use of their property.
119. A public authority will not breach this right if a law says that it can interfere with, deprive, or restrict the use of a person's possessions, and that it is necessary for it to do so in the public interest, for example the making of Compulsory Purchase Orders . As such it is important that the Council provides evidence to show that any land or property taken or any disruption to any person's peaceful

enjoyment of their property is within the public interest and that the correct procedures are followed to ensure compatibility with Protocol 1 Article 1 of the Human Rights Act.

120. It is not considered that the proposed scheme will have any impact on human rights and freedoms under the Convention rights listed under schedule 1 of the Human Rights Act.

### **Environmental Implications**

121. The environmental implications of the scheme have been outlined above.

### **Partnership Working and Associated Issues**

122. The County Council is the promoter of the project and has sought the expertise and assistance from others to develop and deliver the project. Melton Borough Council has been a partner in the development of the Melton Mowbray Transport Strategy and is supportive of the principle of a distributor road to the north and east of the town. Indeed, a financial agreement intended to facilitate risk sharing with respect to the OBC is being developed to reflect this joint approach.
123. An officer Project Board was established in May 2017 with representatives from the County Council, Melton Borough Council and relevant consultants working on the scheme.
124. In order to meet the timescales suggested by the DfT, consultants have been engaged to deliver many elements of the necessary design and environmental work. This has, however, been conducted collaboratively with local authorities.

### **Risk Assessment**

125. A Quantified Risk Assessment has been produced on both the design and construction phases of the scheme which highlights the project risks at both the design and construction stage and the potential impact costs of those risks. If a risk is not realised then it will be closed and the cost removed from the overall scheme cost. The current total value of design and construction risk is approximately £3.3m. At this time, there are the following high-level risks to scheme delivery:-
- (a) Failure to realise levels of anticipated funding contributions from other sources, including from developers;
  - (b) Scheme costs increase as a result of further work undertaken to develop the scheme post-submission of the OBC;
  - (c) Compressed development and delivery timescales resulting in possible abortive work and/or lack of 'contingency' time to offset any programme delays that might arise; and,

- (d) The requirement for consultation on a diversion of the River Eye SSSI could delay programme. Natural England is in discussion about the most appropriate method of delivering a diversion.

126. All risks will be reviewed regularly and reported to the Project Board and to the Cabinet Lead Member.

### **Conclusion**

127. The award of the DfT Large Local Majors Funding of £49.5m was key to enabling the construction of the north and east sections of the MMDR in the immediate future. The success of the bid reflects the continued commitment to the project from both the County and Melton Borough Councils which will commit an additional £14m to the scheme.

128. The proposed scheme will support economic growth in Melton Mowbray and improve the environment for local residents, cutting congestion in the town and supporting the ambitions set out in the Melton Local Plan - for the construction of over 6,000 new homes and development of 51 hectares of employment land around the town in the period up to 2036.

129. The Preferred Route to be taken forward for planning has been developed following many months of consultation and engagement with interested parties, landowners, and developers and further opportunities for consultation will be provided through the planning application process.

130. The DfT timescales for the project remain challenging and, as indicated in the report, there are a number of risks and issues to be addressed. These will continue to be monitored and any significant issues would be the subject of further reports to the Cabinet.

### **Background Papers**

11 September 2015 Cabinet - 'Development of a Melton Mowbray Transport Strategy'

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4230&Ver=4>

9 May 2016 - Cabinet - 'Progress with the Development of a Melton Mowbray Transport Strategy'

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4602&Ver=4>

10 March 2017 – Cabinet - 'Melton Mowbray Transport Strategy and Distributor Road – Development of a Business Case and Identification of a Preferred Route'

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4859&Ver=4>

10 March 2017 – Cabinet - 'Environment and Transport Interim Commissioning Strategy 2017/18 Refresh'

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4859&Ver=4>

12 December 2017 – Cabinet – 'Melton Mowbray Distributor Road Proposals'



<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4866&Ver=4>

Options Assessment Report

<http://ow.ly/X4Pa30gVpsV>

Consultation Report

<http://ow.ly/SxQi30gVpBV>

Outline Business Case and Preferred Route

<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/melton-mowbray-distributor-road-scheme>

### **Appendices**

- Appendix A Recommended route, Preferred Route, MMDR sections and typical cross sections (60 and 40mph sections)
- Appendix B Table outlining the potential equality impacts of the proposed MMDR (Extract from Equalities and Human Rights Impact Assessment Screening Report)
- Appendix C Environmental constraints
- Appendix D Potential environmental impacts and proposed mitigations

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