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**Nottinghamshire
County Council**

John Frith
Kirkland & Lane
North Muskham Prebend
Church Street
Southwell, Nottinghamshire
NG25 0HQ

My ref: HW20949/A614/A6097
Your ref: 4539/2022
Date: 22 December 2022

Dear Mr Frith,

The Nottinghamshire County Council (A614/A6097 Junctions Improvement Scheme) (Side Roads) Order 2022 (“SRO”)

The Nottinghamshire County Council (A614/A6097) Compulsory Purchase Order 2022 (“CPO”)

Your Clients: Mr and Mrs Orr-Palladino, [REDACTED]

I write with regards to your letter dated 16 November 2022 outlining your clients’ objection to the above-named CPO. Your clients Mr and Mrs Orr-Palladino’s objection has been forwarded to me as the Acquiring Authority’s representative by the Department for Transport’s National Transport Casework Team.

I note that your clients have raised three matters of concern in relation to plots 21 and 30 in their formal objection. An additional nine points of concern have been raised in your subsequent email dated 2 December 2022 to [REDACTED] Bruton Knowles (“BK”), the appointed Land Agent for the Scheme.

To confirm, Plot 21 consists of existing highway, footway and verge area. It is included within the CPO for permanent acquisition to ensure the Scheme can be built. Your clients’ interest in this plot is in relation to presumed subsoil rights, pursuant to the ad medium filum rule. Plot 30 is a freehold title plot owned by your clients and is included within the CPO for acquisition of rights only. It is required to facilitate construction works and to allow sufficient safe working area for operatives.

I would like to take this opportunity to address each of the matters of concern raised to help you and your clients to understand the Council’s position in respect of them. This will build upon the discussions you have had with BK. I hope that your clients may then be able to review the concerns raised and consider whether they would like to present them as objections to the Public Inquiry, which is yet to be scheduled but will take place in 2023.

1. Your clients object to Nottinghamshire County Council’s (“NCC”) CPO on the land identified at Plot 30 on the grounds that the CPO plan is out of date and wholly inaccurate.

- 1.1. You have noted that the CPO plan fails to show that your clients have extended the building on their land to the northeast, so as to include and cover the area of land shaded blue which NCC proposes to acquire. The concern is that the CPO therefore proposes to acquire land which would necessitate the demolition of part of your clients’ property.

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1.2. I would like to take this opportunity to confirm and provide reassurance that no part of your clients' property will be required to be demolished as part of the proposed junction improvements.

1.3. The CPO plan was produced using an Ordnance Survey ("OS") map. Unfortunately, in this case, the map has not been updated since the construction of your clients' extension and as such does not yet reflect the latest development. However, we reiterate our reassurance that the land at Plot 30 is required for temporary works only and that no part of your clients' property will be required for demolition. The land identified at Plot 30 is required only to facilitate construction works and to provide safe working area for operatives. There is currently no facility within the CPO powers to acquire rights to land on a temporary basis. As a result, the land has to be included for the acquisition of rights, to ensure sufficient access to allow the Scheme to be constructed. Notwithstanding, it is the aspiration of the Council to agree a licence outside the CPO for those plots where temporary rights only are required.

2. The CPO plan indicates the intention of NCC to acquire land belonging to your clients to the front of their property. Your clients object to this aspect of the CPO on the basis that it will render vehicular access to your clients' property both impractical/impossible and create a dangerous highway hazard, given the proximity of the land to the current and proposed roundabout.

2.1. The land to the front of your clients' property is required on a temporary basis only to facilitate the works associated with the construction of the proposed access road to create a communal right of access for the owners of properties numbered 15, 17, 19 and 21 Nottingham Road. The proposed access road will provide the residents in the aforementioned properties with a safer access and egress onto the A612 Nottingham Road.

2.2. During construction, plans will be put in place to ensure full communication with the residents at the aforementioned properties, including with your client, to ensure access is maintained. It is currently proposed that 'marshalls' will be deployed as and when required to assist with access and egress to the properties located in the immediate vicinity of the roundabout. We will endeavour to minimise disruption to private driveways during the works.

3. You have noted that, if the intention of the Council is to create a communal right of access for the owners of properties listed at plot numbers 30 to 33 inclusive on the CPO plan, then this will blight your clients' property and have a serious impact upon its valuation.

3.1. The current proposal provides enhanced safety in respect of access and egress to your clients' land. The proposed access road is not taking any existing private land off your client or any of the adjoining neighbours and as your client benefits from owning the end property, none of the neighbours would be passing in front of the dwelling. As such, the volume of traffic using the access road and passing directly in front of your clients' property will be significantly less than the existing arrangement. Your clients would benefit from additional land within their demise. We have discussed this with our Land Agent who does not believe

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the value of property will be negatively impacted. Indeed, it may be that the addition of Plots 28 and 29 will enhance the value of your clients' property interest.

4. Confirmation that NCC is not seeking to acquire permanent rights or legal ownership over part of your clients' land, or to demolish any buildings on your clients' land.

4.1. I confirm that NCC is not seeking to acquire permanent rights or legal ownership over any part of your clients' land, nor to demolish any buildings on your clients' land. As noted in paragraph 1.3 of this letter, the intention is to temporarily access the site only to facilitate construction and to provide safe working area for operatives. As noted in paragraph 1.3, there is no facility within the CPO powers to acquire rights to land on a temporary basis. As a result, the land has to be included for the acquisition of rights, to ensure sufficient access to allow the Scheme to be constructed. It is therefore the aspiration of the Council to agree a licence outside the CPO for those plots where temporary rights only are required.

5. Confirmation that NCC seeks a temporary licence over your clients' land identified at Plot 30 on the enclosed CPO plan for Lowdham Roundabout. Confirmation that NCC will produce a draft licence agreement which will detail by way of attachment the works to be carried out, the duration of the licence agreement, and provision for reinstatement of your clients' land.

5.1. As noted in paragraphs 1.3 and 4.1 of this letter, NCC seeks temporary access to the area at Plot 30 of the CPO. It is therefore the aspiration of NCC to enter into a temporary licence for Plot 30, as per the initial letter sent to your client dated 4 May 2022 (copy enclosed for reference).

5.2. Following your discussions with BK, they have requested from Via East Midlands Limited a specification of works and any detail in respect of programme that is known at this juncture. I confirm that the programme of work for the proposed Lowdham Roundabout improvements has not yet been finalised. At this moment, works are scheduled to commence in autumn 2025 with completion in autumn 2026. However, this is subject to change. Prior to and during construction, it is proposed that a Public Liaison Officer will be appointed to provide a point of contact and ensure that stakeholders such as your clients are informed of key milestones and project progress.

5.3. I confirm that NCC are willing to enter into and will prepare a draft licence agreement, which will include the works to be carried out, the duration of the licence agreement and provision for reinstatement of your clients' land as affected at Plot 30. As noted in paragraph 5.2, the information required for inclusion in the draft licence is not yet available. Once the information becomes available, NCC will be able to provide you and your clients with the draft licence for review and comment.

6. Confirmation that the necessity for access to the area of land fronting Gunthorpe Road is to tie-in to your clients' land and the resurfaced highway.

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6.1. The objection refers to Gunthorpe Road but I believe that this point refers to Plot 28 in the CPO plan and have responded accordingly. If this is incorrect, please advise and I will revise my comments as necessary.

6.2. It is the Council's intention that the land contained within Plot 28 of the CPO will be transferred to your clients on completion of the works. The land will provide your clients with additional room to manoeuvre vehicles when accessing and egressing their property onto the new access road.

7. Confirmation on Plot 29 of the CPO plan, including NCC's offer to gift the land to your clients and the proposals to provide an easement to utility companies in this area.

7.1. In your email to BK dated 2 December 2022, you have noted the following:

"Currently the land is public frontage adjoining the legal boundary to my clients' property. NCC has offered to gift the land to my clients. However, NCC proposes to run utilities' cabling and pipes under the land and reserve to NCC a right of way for maintenance and repair. The proposal is unacceptable to my clients. Such an easement will cause a blight on their property, with consequent reduction value and saleability".

7.2. The above statement is incorrect. NCC is not proposing to run utilities' cabling and piping under the land at Plot 29 or retain any rights for maintenance or repair. Water, telecoms, electricity and an unidentified utility are already in place at this location and have been historically. There are no plans in place to run additional new utilities under the land at Plot 29. A plan detailing the utilities located in this area was issued to your client in September 2022 by BK. This plan has been updated and a copy is enclosed for your information, drawing number 20949-L-VIA-LLO-XX-DR-CH-00001.

7.3. Once the SRO has been implemented and the easement with utilities secured, the Council will be in a position to transfer the land to your clients. The proposed easement will be granted for the existing utilities and your clients will own the land with the inclusion of an easement.

7.4. The Council is willing to work with your clients around any accommodation works required as part of the Scheme and we will continue to liaise with you and your clients as the Scheme progresses.

8. Confirmation on how your clients will have vehicular access to their property on completion of the Scheme.

8.1. I understand that BK have provided you and your clients with a copy of the latest General Arrangement drawing for the Scheme. I also enclose a copy of the SRO Engineering Drawing which provides a visual representation of the completed Scheme. As you will see from the drawing, it is proposed to create an access road to the properties at numbers 15, 17, 19 and 21 Nottingham Road. The junction of the new access road with the A612 is 51 metres southwest of the southwestern boundary of number 21 Nottingham Road. It is

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designed to provide the residents at the aforementioned properties, including that of your clients, with a safer access and egress point on to the A612 Nottingham Road.

8.2. The latest plans and drawings for the Scheme can be found online at:
<https://www.nottinghamshire.gov.uk/transport/roads/a614/cpo/orders-plans-and-associated-documents>.

9. Clarification on NCC's intention in regards to the remainder of the proposed access road to the properties located at numbers 15, 17, 19 and 21 Nottingham Road.

9.1. As noted in paragraph 8.1, the proposed access road will provide the properties located at numbers 15, 17, 19 and 21 Nottingham Road with a safer access and egress point to the A612 Nottingham Road. As can be seen on the enclosed SRO Engineering Drawing, the road will only provide access to the four existing properties at this location and will only be accessible from the southwestern end. A turning head will also be provided at the southwestern end to allow manoeuvrability for residents, visitors, service vehicles and refuse vehicles.

9.2. The proposed access road will be classified as highway and therefore no additional rights will be required by your client or by any of the other properties located here.

I hope that this letter addresses the concerns that your clients have raised and provides them with the necessary information to review their objection. If you would like to formally withdraw the objection, please write to the Secretary of State at the following address:

Secretary of State for Transport
National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle Upon Tyne
NE4 7AR

Alternatively, you can email them at nationalcasework@dft.gov.uk and I would ask you to please copy me in at [REDACTED].

If you have any questions with regards to this letter, or would like to discuss any aspect in greater detail, please do not hesitate to contact me.

Yours sincerely

Steven Millington

Steven Millington
Senior Projects Manager

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Encs:

- Initial offer letter to Mr and Mrs Orr-Palladino – dated 4 May 2022 (Orr-Palladino Offer Letter.pdf)
- No. 15 Nottingham Road Utilities Plan – dated December 2022, drawing number 20949-L-VIA-LLO-XX-DR-CH-00001A6097/A612
- Nottingham Road/Southwell Road Roundabout, Lowdham SRO Engineering Drawing (Lowdham SRO Engineering Drawing.pdf)

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